

MANIFESTO TO THE
MEXICAN REPUBLIC.

Graff

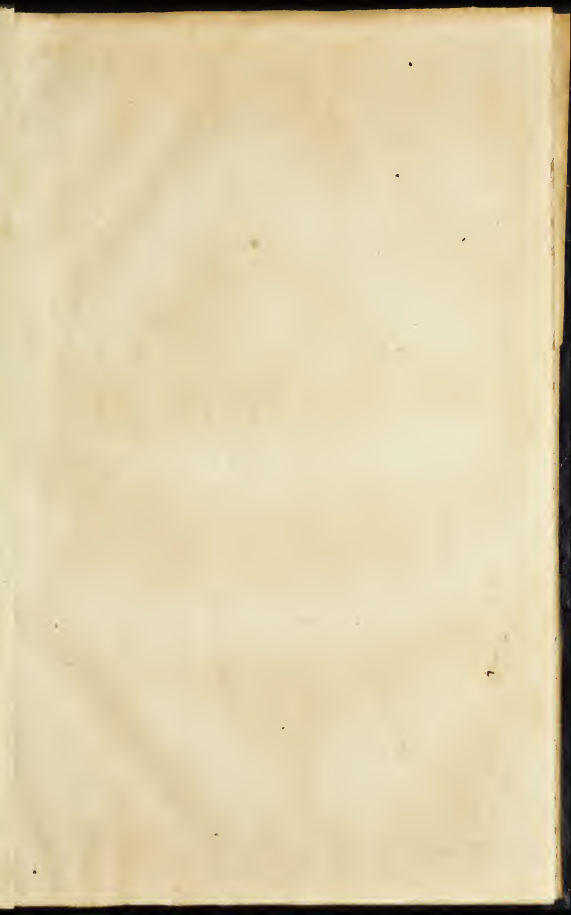
The Newberry Library

+

The Everett D. Graff Collection
of Western Americana

+

1320













T THE
CALIFORNIANS OF THE PRESENT DAY,
THIS MEMORIAL OF THE PAST
IS INSCRIBED, BY THE
TRANSLATOR.



THE MANIFESTO,

WHICH THE GENERAL OF BRIGADE,

DON JOSE FIGUEROA,

COMMANDANT-GENERAL AND POLITICAL CHIEF OF U. CALIFORNIA,

MAKES TO THE

MEXICAN REPUBLIC,

IN REGARD TO HIS CONDUCT AND THAT OF THE

Snrs. D. JOSE MARIA de HIJARS and D. JOSE MARIA PADRES,

AS DIRECTORS OF COLONIZATION IN 1833 AND 1834.

MONTEREY : 1835.

PRINTING OFFICE OF CITIZEN AGUSTIN V. ZAMORANO.

PRINTED AT THE SAN FRANCISCO HERALD OFFICE :

1855.



MANIFESTO TO THE MEXICAN REPUBLIC.

THE display which was made throughout the whole of the Republic, in regard to the attempt to colonize the territories of the Californias, and the results which followed the expedition which Señors Don José Maria Hjar and Don José Maria Padres undertook for that purpose, oblige me to lay before the public a brief but exact notice of the facts as they occurred. As the enterprise did not result as the directors intended, it is sought to attribute to me the blame of the miscarriage, when it is exclusively due to their want of calculation, bad combinations, and underhanded management. The public, in view of the facts, will judge of persons.

In the month of April, 1832, the Supreme Government appointed me Political Chief of Upper California, upon which duty I entered in January, 1833. In the month of March I fell seriously ill, for which reason I asked to be relieved. As at that time the territory had just emerged from a dangerous crisis, and as yet I did not consider extinguished the causes of the revolution which had kept the inhabitants divided, I thought that it was not a time to separate the political and military commands in two distinct persons, as had been desired, but that a single individual ought to discharge both functions; so I represented to the Supreme Government when I asked for my relief, because it appeared to me that I might do so with propriety, as I was not then even remotely thinking of remaining in the command, for my health was greatly broken, and I was only anxious to return to the bosom of my family.

The Adjutant Inspector, Don José Maria Padres, in the year 1830, manifesting a great interest in bettering the condition of the Indians, but with no very good intentions, as has been developed, projected the secularization of the Missions in this territory, in conformity with the provisions of the law of the 13th of September, 1813. At that period the Governor of this Territory was Lieut. Col. Don José Maria de Echandaia, whom Padres easily enlisted, presenting him a project which, in the following line, he ordered to be published by proclamation and to be put into execution, just at

the moment that Lieut. Col. Victoria arrived to relieve him ; and as much from this incident as because the Supreme Government was not consulted, this enterprise, which the said Victoria ordered to be suppressed, was defeated. As Padres had secretly enlisted various patriots who, in good faith, were desirous for the secularization, he had many co-workers, who afterwards, as much from the exaggeration of the principles which he had inculcated in them as from the severity with which it was thought to govern them, were so many opponents of Victoria in the revolution which was formed against his person, headed by Echandeia—a revolution which, whatever may have been its causes, threw this Territory into consternation, because the government was destroyed and the consequences felt, and because the citizens in general were divided and embittered against each other. Thus it is that when I arrived, the Territory was in complete anarchy, from which it had not as yet recovered. The Supreme Government highly disapproved of the conduct of Echandeia and Padres, and commanded me, if I found the edict of secularization in operation, that I should order it to be suspended, replacing the Missions in their ancient condition, but not the less to report whether they were or not in a state to be secularized, in order to undertake it with due circumspection ; and not the less to go on gradually dividing the lands of the Missions among the neophytes, in order insensibly to convert them into private property. Padres was ejected from this country by Victoria, but he left sowed the germ of the revolution which afterwards appeared, and which owes its origin to the project of secularizing the Missions.

As the distance from here to Mexico is so great, I recovered before learning what course the Government would adopt, and made known to it that I was able to discharge the duties of my office. The Government commanded me then to continue in the discharge of both branches, as I was then doing, notwithstanding that on the receipt of my first communication, it had ordered the Adjutant Inspector, Don José Maria Padres, to proceed to California and take charge of the military command in the event that I continued ill and wished to go to Mexico.

When this despatch was delivered, Señor Gomez Farias was in power, with whom the Adjutant Inspector, Don José Maria Padres, was on terms of great intimacy, as he himself has published, and availing himself of the opportunity, he labored effectively for the passage of the law of the 17th of August, 1833, for the secularization of the Missions of the Californias ; for the undertaking of the colonization of both Territories ; and that Señor Don José Maria de Hajar should

be named Political Chief of Upper California and Director of Colonization. It were easy to persuade one of the utility and suitableness of these projects if they did not embrace other objects, which time has disclosed. But the Government, animated by the best desires for the felicity and progress of the country, took under its protection these magnificent schemes. Padres congratulated himself on seeing the realization of the plans he had meditated since the year 1830, and obtained the appointment of Sub-Director of Colonization. Preparations for the voyage are made, and people are engaged in the name of the Government for Colonization. I do not know what aid they received, but it is public that the Government made great disbursements down to the embarkation of the expedition in the port of San Blas.

In the month of February, 1834, I received the supreme order which follows :

"OFFICE OF THE FIRST SECRETARY OF STATE, }
 "DEPARTMENT OF THE INTERIOR. }

"The most Excellent Señor Vice President in exercise of the supreme executive power, has been pleased to relieve you from the duties of Political Chief of that Territory and to nominate Don José Maria Hjar for that position, to whom you will immediately surrender the command. At the same time, His Excellency commands me to thank you, as I do, for the zeal with which you have discharged those duties, and His Excellency hopes that you will continue your services in favor of order. The which I communicate to you for your information and fulfilment.

"God and Liberty. Mexico, July 15, 1853.

"GARCIA.

"Señor General Don JOSE FIGUEROA, Political Chief of Upper California."

My answer is of the following tenor :

"POLITICAL GOVERNMENT OF UPPER CALIFORNIA.—No. 7.

"MOST EXCELLENT SENOR :—So soon as Señor Don José Maria Hjar presents himself in this territory, I will deliver to him the command of the Political Government, which has been under my charge, as the Most Excellent Señor Vice President orders, and as your Excellency has been pleased to communicate to me, in your official letters of the 15th of July of the year last past, which after much delay I have received. I am exceedingly grateful to the Most Excellent Señor Vice President for having relieved me of this duty, so much above my small ability, and for the distinguished expressions with which he declares himself satisfied with my conduct in the discharge of my functions ; and although I may not be able

to boast that I have fulfilled the desires of the Government, I have at least the satisfaction of having reëstablished tranquility and constitutional order, which, when I entered this territory, I found relaxed in all the branches of the Administration. Fortunately, to-day we enjoy union and peace, in pursuit of which I have never spared any sacrifice or labor. I pledge myself to continue the same course up to the moment of the arrival of my successor, leaving to results to give proof of my good or bad conduct. In the meantime, your Excellency will be pleased to make my sentiments known to the Most Excellent Señor Vice President, to whom I offer respectfully the homage of my gratitude and thanks.

"God and Liberty. Monterey, 18th of May, 1834.

"JOSE FIGUEROA.

"The Most Excellent Señor Secretary of State and Foreign Affairs."

Extra officially I learned that with Señor Don José Maria de Hijar was coming a multitude of families as colonists, at the expense of the Government, and although neither the Government nor Señor Hijar relied on the local authorities in this enterprise, it appeared to me prudent to make some preparation for their establishment. With this view I made an expedition to the frontier, as far as the Fort of Ross, the establishment of the Russians nearest to us. I examined the country and selected the position which seemed to me best for planting the colony. I established on the same frontier a post for the protection of the said colony, and returned to wait for it at the Capital.

On the 11th of September, one day before my arrival, I received an express from the Supreme Government, coming overland from Mexico, with the following Supreme Order :

"OFFICE OF THE FIRST SECRETARY OF STATE, }
"DEPARTMENT OF THE INTERIOR. }

"The Most Excellent Señor President having been apprised of the contents of your despatch of the 18th of May last, in which you reply to the order which had been transmitted you, relieving you from the duties of Political Chief of that Territory, and say that you will deliver the command to Señor Hijar as soon as he presents himself, his Excellency has ordered me to say to you, in reply, that you must not deliver the said command, and that you must continue in discharge of the Government.

"God and Liberty. Mexico, July 25, 1834.

"LOMBARDO.

"Señor Political Chief of Upper California, Don JOSE FIGUEROA."

By the same conveyance I received the first communications which Señor Híjar directed to me from the Port of San Diego, where he disembarked on the 1st of September with part of the colony. On the 25th the corvette-of-war Morelos arrived at the port of Monterey, bringing Don José María Padres, several employées, and the rest of the colony.

From this day commenced my difficulties, and it was easy to foretell the consequences. Señor Padres addressed me officially, asking assistance for the colonists which had arrived in his company, and this is the first notice which he gives me of his commission. The Supreme Government advised me nothing in relation to the undertaking of colonization: gave no orders to the officers of the Revenue through any channel that they should make any disbursements on the said colony; nor did it even so much as communicate to me that it had disposed of the person of Don José María Padres as a sub-director of the colony, he being of the army and coming to serve in his profession under my orders. Thus it is that in every respect the conduct of Padres appeared to me strange, and though he sought to satisfy me, showing me a despatch directed to him by the Minister of Relations, by which he conferred on him the commission of Sub-director of Colonization, yet that was not the mode in which he ought to have executed it, nor was Padres the channel through which a supreme order should have been directed to me; nor ought the Minister of Relations to have disposed of a military person without a previous order from the office of the Secretary of War. Notwithstanding this, it appeared to me prudent to keep silence and to give him to understand that my responsibility was not clear.

No payment ought to be made in the offices, unless a supreme order communicated through the established channels precedes it, and unless determined by some law approved by the Chambers of the Union in the estimate for the fiscal year; yet against all these express prohibitions and in spite of the urgent necessities under which the employées, civil and military, were suffering, I gave orders to succor the colony, in order that it might not be exposed to perish whilst application was being made to superior authority for the proper orders.

This is proof irrefragable of the incapacity, improvidence and want of calculation of the directors, who ought to have provided everything necessary for the people they were bringing under their charge, in order not to expose them to suffer from want: they should have known that it is more than twenty years that the salaries of the few military and civil officers of this territory have not been paid in full for

the want of funds, and that besides increasing the necessities of these, they would compromise the officers of the revenue, as they were without orders to make payments to the colony.

As from San Diego to Monterey the distance is one hundred and eighty leagues, Señor Híjar did not arrive at this last mentioned point until the 14th of October.

I received him with public demonstrations of friendship and respect; I treated him with the greatest distinction and attention, and entertained him in the house in which I was residing. The first compliments passed, I showed him the order of the Supreme Government and the necessity I was under to obey it, although with much regret for any injury which it might cause to his feelings or his interests; I offered him with sincerity and good faith my small influence, and that I would engage the good offices of the most Excellent Territorial Deputation in procuring the Supreme Government to invest him with the office of Political Chief, and that in the meantime he should exercise the special commission of Director of the Colony; finally I offered him, that if he could propose any lawful means by which I could deliver him the command without compromising myself, I would do so with pleasure, as I was not ambitious of preserving it.

Señor Híjar, persuaded of my good disposition, convinced, perhaps, that he could not aspire to the command, confined himself to the special commission of Director of the Colony, of which the Government had made no express mention. I, although in doubt whether he should be considered as invested with this, after having been divested of the Political Government, saw no danger in his remaining Director of the Colony, and immediately agreed that he should exercise that commission, with the reservation of reporting the fact to superior authority. Then he demands of me to deliver him the property of the Missions, as a thing inherent in his said commission. I answered him that I was ignorant of the foundation of such a pretension, and forthwith he presents me a paper containing the following instructions:

“OFFICE OF THE FIRST SECRETARY OF STATE, }
“DEPARTMENT OF THE INTERIOR. }

“Instructions by which Don José María Híjar will regulate his conduct as Political Chief of Upper California, and as Director of Colonization of Upper and Lower.

“ARTICLE 1. He will begin by taking possession of the property belonging to the Missions of both Californias, and the Military Commandant, on his responsibility, will, whenever required, render the assistance necessary for said possession.

"ART. 2. For the space of one year, counted from the day the colonists arrive at the place in which they are to settle, there shall be furnished to each one of them four rials a day for such as are more than four years old, and two rials for those of lesser age.

"ART. 3. The expenses of the journey by sea and land shall be on account of the Federation; the equipments which may have been bought for their transportation, shall be given to the colonists in full property.

"ART. 4. Villages shall be formed, uniting the number of families which may be sufficient for living in safety, choosing situations suitable from the quality of the land, from the abundance and salubrity of the waters, and from the mildness of the winds.

"ART. 5. It will be endeavored as soon as possible to make settlements on the frontiers.

"ART. 6. Topographical plans will be drawn, in which shall be designated and marked out the blocks of which the village is to consist. The length of each side of a block shall be one hundred varas, and all the sides shall be equal; the width of the streets shall be twenty varas, and no alley shall be allowed in them. The plazas shall be distributed at every tenth street at least, besides the greater plaza, which shall be situated in the centre of the village.

"ART. 7. Care shall be taken to unite the Indians with the villages, mixing them with the other inhabitants, and no village shall be permitted to be composed of them only.

"ART. 8. In each one of the blocks, lots shall be distributed to the families, that they may build their houses, but it shall not be permitted them to do so outside of the line traced for forming the street.

"ART. 9. Outside of these villages there shall be given, in full dominion and property, to each family of colonists, four caballerias of land if it should be irrigable, eight if dependant on the seasons, and sixteen if of pasturage. There shall be given, also, four cows, four yoke of oxen, or two bulls, two broke horses, four colts, four fillies, four head of small cattle, (two male and two female,) and besides, two ploughs, with their gear.

"ART. 10. Between sowing lot and sowing lot of the land belonging to individuals, there shall remain vacant an extent equal to two sowing lots. The Government shall have the power to dispose of the lands left vacant when it sees fit, and the Director of the Colony shall prefer in that case, and under equal circumstances, the colonists whose lands adjoin.

"ART. 11. The distribution of the movable property belonging to the Missions of California being made, a sale shall

be made of one-half of the remainder in the most advantageous manner.

"ART. 12. There shall not be sold to the same family more than one hundred head of cattle of one kind.

"ART. 13. The half remaining of the movable or self-moving property shall be preserved as the property of the General Government, and the proceeds thereof shall be used for the expenses of religious worship; the support of the Missionaries; the salaries of the Masters of the Primary Schools, for furnishing the things necessary for children of both sexes in the Schools; and for buying the instruments of husbandry which are to be distributed gratis among the colonists.

"ART. 14. The Political Chief and Director of Colonization will give at this time, and annually thereafter, a circumstantial account of the product of the property of the Missions; of its application; and of that which remains existing after the division of the movable and self-movable property among the colonists has been effected.

"ART. 15. He shall in the same manner give an account, at least once each year, of the condition of the colonists, of the obstacles in their way, if there should be any, and of the means of causing them to progress."

"LOMBARDO."

"Mexico, 23d April, 1834."

I replied that for my part these dispositions would be obeyed, although in my opinion it was an injustice to deprive the neophytes of the effects of the Missions, which they regarded as their property. With this terminated the private conference which we had on the night of the 15th of October, and at dawn of the 16th I received the following official communication:

"DIRECTION GENERAL OF COLONIZATION IN THE CALIFORNIAS.

"In the orders and instructions of the Supreme General Government, which, as Director of Colonization, I have exhibited to you, there occurs the following article: 'ART. 1. He will begin by taking possession of the property belonging to the Missions of both Californias, and the Military Commandant, on his responsibility, will, whenever required, render the assistance necessary for said possession.'

"It being then of the greatest importance to begin my Commission, as well to avoid the deterioration which the Missions are suffering, as to better the condition of the Indians and establish the families of colonists which accompany me, I beg that you will be pleased to give your orders to the Commissioners whom you have named for the secularization, to the effect that they shall act under my directions,

and to the Military Commanders of all the points of the Territory, that they shall furnish me or my agents, respectively, the assistance that may be needed for the object indicated. I repeat to you the protestations of my esteem and distinguished consideration.

"God and Liberty. Monterey, October 16, 1834.

"JOSE MARIA DE HIJAR.

"Señor Commandant General, Don JOSE FIGUEROA."

I answered with this other :

"POLITICAL GOVERNMENT OF UPPER CALIFORNIA.

"I will, as you request, notify the Commissioners of the Missions to act according to the orders which you may direct to them, and the Military Commanders to lend assistance in necessary cases, all in conformity with the dispositions of the Supreme Government, in the first article of the instructions which you have been pleased to transcribe me in your note of this date, to which I have the honor of replying. But you will permit me first to consult the Most Excellent Territorial Deputation, in order to obtain their consent, and to expedite in a better manner your functions in this Commission.

"God and Liberty. Monterey, 16th October, 1834.

"JOSE FIGUEROA.

"Señor Director General of Colonization, Don JOSE MARIA DE HIJAR."

Señor Hizar rejoined with the following :

"DIRECTION GENERAL OF COLONIZATION IN THE CALIFORNIAS.

"By your note of yesterday's date I am apprised, with satisfaction, of your favorable disposition to second the orders of the Supreme General Government, first having consulted the Most Excellent Territorial Deputation concerning my Commission of Colonization. I beg you, if it is possible, that this business may be finished to-day. The ruinous disorder in which are found many of the Missions where I have passed, the nearness of the time for preparing for wheat, which the Missionaries appear to have forgotten, undoubtedly because they fear to lose the control of the temporalities ; the clamors of the Indians, who at the present moment are suffering infinitely ; the colony, which I cannot establish until this is settled, and the shortness of the time to undertake the labors which must provide their subsistence during the whole year—all, all, Señor General, make it manifest that not a moment is to be lost. Finally, I address myself to you as the Military Authority, to beseech the assistance of which the first article of my instructions speaks, as I transcribed in my former communication, and I would

grieve beyond measure that the disturbances and irreparable losses which delay may occasion should rest upon your responsibility.

"God and Liberty. Monterey, October 17, 1834.

"JOSE MARIA DE HIJAR.

"Señor Commandant General, Don JOSE FIGUEROA."

The decided and tenacious endeavor to get hold of property whose owners are abject and helpless beings, the intimations which had been divulged by the colonists and Directors themselves, concerning the magnificent speculations of the pompous Cosmopolitan Mercantile Company, to which belonged the brigantine Natalia, which the Missions were to have paid for with seven thousand arrobas of tallow; and above all, the Supreme Government having sent an express with the sole purpose that I should not deliver the command, induced me to distrust these demands for the property, and consulted with the Most Excellent Territorial Deputation, s in the following communications:

"POLITICAL GOVERNMENT OF UPPER CALIFORNIA.

"MOST EXCELLENT SENOR:—The law of the 23d of June, 1813, in its 15th article chapter 3, provides that in marked and grave cases, I shall take counsel of the Deputation, availing myself of their lights. The internal regulation of this body in art. 2, tit. 1, authorises me to convoke it in extraordinary sessions. In use of this faculty I have ordered its meeting, which I now see with pleasure has taken place. The cause which has induced this call is exposed; I am now going to lay before you the subjects which will engage your attention. The Supreme Government, under date the 15th of July, 1833, was pleased to relieve me from the duties of Political Chief of this Territory, naming in my place, Señor Don José Maria Hjar: under date the 13th of May of this year I answered that I was ready to deliver him the command as soon as he should present himself, and under date 25th of July last, the said Supreme Government by hurried express, commands me not to surrender to Señor Hjar, and to continue discharging the duties of political chief. All this appears by the documents which I have the honor to present, and pray that they may be read for the better understanding of your body. Señor Hjar was also named director of the colony which has just arrived, as appears from the supreme order which also I have the honor to present for your information. The Supreme Government when notifying me not to deliver the command to Señor Hjar made no mention of the other commission or commissions which it had granted him. Thus it is that, as that of Director of the Colony has a connection, so to speak,

with that of Political Chief, I am in doubt whether being deprived of this office he has the authority to exercise that commission, and in what respect, since, although the one is not incompatible with the other, I lack precedents, for the Government has advised me nothing relative to colonization. The Most Excellent Vice President, in virtue of the law of the sixth of April, 1830, is authorized to appoint commissioners for establishing colonies, and in my view Señor Hajar ought to carry out the undertaking with which he is charged; but desiring to make myself certain and not compromise myself in any respect, I have thought it necessary to hear your advice, promising myself from your integrity and intelligence that you will suggest a decorous and conciliatory course. Señor Hajar, under date of 16th inst., has addressed me the note of which I have also the honor to send you the original; it contains inserted an article of the instructions which he received from the Supreme Government, and in conformity with this he prays that the commissioners named in virtue of the 20th article of the Provisional Regulations of secularization may act under his orders. And here arises a doubt for your consideration. Is Señor Hajar Director of Colonization and Secularization, or only of the first? His appointment says that he is Director of Colonies. Are colonization and secularization one and the same thing? No; but the Supreme Government commands him to take possession of all the property belonging to the Missions. In what character or capacity is the jurisdiction of these effects to be assumed? I do not understand it. Be pleased to consider this point and advise me what is most proper.

"God and Liberty. Monterey, 17th October, 1834.

"JOSE FIGUEROA-

"The Most Excellent Territorial Deputation of Upper California."

"POLITICAL GOVERNMENT OF UPPER CALIFORNIA.

"MOST EXCELLENT SENOR:—Since I took into my hands the reins of the Government of this Territory, I have beheld with pleasure the constitutional course which, without obstacles or tumults, these peaceful inhabitants have pursued. I, as the depository of the public confidence, have venerated the laws in which repose the social guaranties; but one of those unforeseen accidents through which the genius of evil exercises its malign influence, seeks to snatch from us that enviable tranquillity which, to Californians alone, it is given to enjoy. Unexpectedly a complication of events has occurred which gives rise to a divergence of opinion in the public mind, and it is not unknown to you what means are put in

play to affect us with the exaggerated ideas which, unfortunately, are devouring our brothers in the interior of the Republic. The ostensible motive of discontent consists in the supreme order which I have laid before you, to the effect that I should not deliver the political command to Señor Don José Maria Hija, who had been named to that office. Your Excellencies are apprised of the communications had in this respect, and know that I have had no part in the change, since I neither seek nor desire to continue in the office. I have discharged its duties, and I will continue to do so, so long as the Supreme Government and the dwellers on this soil honor me with their confidence; but if my continuing in command is to produce discord and discontent in the family of Californians with whom I am identified in feeling, I am resolved to renounce it. In proof of my disinterestedness, I have proposed to Your Excellencies that, if the duty of obeying is reconcilable with the public exigency, you should point out the means of which I should avail myself, and no other consideration will withhold me from surrendering the command. In conformity with this protestation, I now offer to Your Excellencies to make a voluntary resignation of the command, if at this price is to be preserved the tranquillity of Californians, whose fortunes interest me so much. My resolution is based on the public opinion, energetically manifested in favor of the separation of the political from the military command, and the conviction that the Supreme Government, interested as I am in the progress of this fortunate country, will approve my conduct, and esteem it as prompted by true patriotism and the result of circumstances. No sacrifice, most Excellent Señor—no sacrifice is costly to me for preserving the liberty and tranquillity of the Territory. I desire to be the only victim that shall be immolated on the sacred altars of concord. Let Californians be kept in peace, and upon me fall the consequences and the responsibility. The will of this nascent people is my North—Your Excellency is the organ through which it is to be expressed; may my prayers be fulfilled, and the desires of my compatriots satisfied.

“God and Liberty. Monterey, October 17, 1834.”

“JOSE FIGUEROA.

“Most excellent Territorial Deputation.”

I knew very well that the Direction of Colonization gave him no power to dispose of or administer the property of the Missions; but I wished to gratify his desires, and only sought to establish guarantees which should secure in his hands the safety of property for which I was responsible as Political

Chief; but the subtleties with which it was sought to surprise me caused me to vary my intention, and to place the question in its true point of view.

The followers of Señor Hijar sought to mislead public opinion and to alarm the inhabitants of this Territory in order to expel me ignominiously, and furtively to get the control of the government. Subversive notions were propagated under the pretext of dividing the two commands in two distinct persons, and becoming independent of the Mexican Republic; the abject Indians were sought to be roused; interest and ignoble passions were put in play, and, in a word, it was sought to intimidate me by attempts at revolutions under various and specious pretexts, such as that the Most Excellent President of the Republic had changed the system of Federation, and, with an armed hand, destroyed the representation of the national sovereignty. My conduct under such circumstances is manifested in the protestation which I made to the Most Excellent Deputation: to obey the Government and not to oppose the general will. Behold my decision: I am commanded not to deliver the command to Señor Hijar, but I was ready to deposite it in the hands of the First Vocal, who is the person whom the law of the 5th of May, 1822, calls to the government in default of a Political Chief. Nevertheless, I desired to support my resolution with the voice of the representatives of the people.

The Deputation, in order to declare its opinion, referred the papers to a committee of its members, and these were the moments in which were most plied the means of policy, friendship and intrigue to deceive that body. Notwithstanding, it acted with the dignity which belonged to its office, and resolved as follows:

"MOST EXCELLENT SENOR: The Committee of Government report, That the unexpected events which have so justly attracted the public attention were presented in their true point of view, and from the protracted investigation which has been made of them, it results: that having resolved upon the separation of the political and military commands, the Supreme Government appointed Señor Don José Maria Hijar, which personage arrived at San Diego on the first of September last past, bringing also a colony of persons of both sexes, in the capacity of its Director. The same Supreme Government, for causes unexpressed, and in exercise of its authority, ordered that the command should not be turned over to Señor Hijar, and General Don José Figueroa should continue to discharge its duties. This incident has come to the knowledge of the public in an imperfect manner. The

intention of the supreme order has been perverted, and it has been attributed to a change of system attempted by the President of the Republic. Such ideas and other invectives have been made use of in public to mislead opinion, a sufficiently long time manifested in favor of the separation of commands; an event of so much importance could but alarm men's minds; the liberties of the country and the fate of the Territory were involved, and no one could be indifferent to the discussion of the exercise of his political rights; but reason and truth make the darkness disappear, and thus Your Excellency ought to rectify public opinion, presenting in the face of the world events as they have occurred. We will not occupy ourselves in discussing whether the commands should be separated or not, because neither has the Supreme Government refused to do this nor are the inhabitants of this Territory deprived of the right of petition, nor will the Deputation, as the immediate representatives of the people, cease to make their voices heard before the Executive of the Union, and even in the sanctuary of the laws itself, demanding for their constituents the exercise of their political rights. The inquiry is simply, Who shall exercise the functions of Political Chief? The supreme order of the 25th of last July leaves no room for interpretations. It commands positively that the command shall not be given to Señor Híjar, and that General Figueroa continue to discharge its duties. Then what reason is there to induce us to oppose its mandate? It cannot be said that it was a rebellion or a usurpation of the attributes of the Executive power contrary to the forms of the Constitution. It will be objected that the Republic is in a state of convulsion; and because our brothers are divided by fatal discords, shall we cease to march in the constitutional path? No, most Excellent Señor; liberty subsists while the laws are respected, and unhappy the people who invade them on frivolous pretexts,—anarchy is the result, and the consequences the annihilation of the fortunes and existence of the citizens. Let us free ourselves from the poisonous contagion of discord which is devouring our brothers, as nature has freed us by an impregnable wall. If the enemies of liberty and of order provoke them to the combat, we are not in that condition; and if, by misfortune, we should at any time find ourselves involved, we will know how to vindicate our rights. Let, then, for the present, the supreme order in question be fulfilled, and we will have discharged our duty, giving public testimony of our love of order and justice. At the same time, let a representation be made to the Supreme Government, that it may be pleased to decree the separation of the political command, this body

proposing to it one or more persons competent to discharge those functions, and we dare to predict the best results.

“Señor Figueroa, impelled by his patriotism, offers spontaneously to surrender the political government, if necessary for the tranquillity of the Territory, taking upon himself the results and whatever responsibility he may incur ; but the public tranquillity is secured under his command, and there is no occasion to make that change. The Deputation, who narrowly observe his conduct and watch over the common good, know that he has not failed to deserve the public confidence, and founded in this idea, ought to continue to him their gratitude, with the reservation of recalling him to order if at any time he should go astray. Señor Híjar being invested with the double office of Political Chief and Director of the Colony which he has brought with him, we see that the superior authority deprives him of the functions of the first office, and makes no mention of the second. The Committee might consider it as inherent in the first, and that he was deprived of both at the same time, by virtue of the before cited supreme order ; but, adhering to its literal sense, is of opinion that he may continue in his special commission of Director of the Colony which he has brought, as his appointment expresses, for which purpose there should be furnished him such aid from the Missions as may be in the power of the Political Chief, without prejudice to the Indians, and the other demands annexed to those foundations, since the expenses of the colonies ought to be borne either by the fund called the Pious Fund of the Californias, according to the decree of the 26th November, 1833, which gave the Government authority for that purpose, or by the Federation, according to the decree of the 6th April, 1830, which we pray may be read ; but in no manner by the property of the Missions, which are the exclusive fruit of the immense labors of the neophytes of the Missions, and the only patrimony that awaits them in remuneration for an age of slavery. By what right, then, shall these unfortunates be despoiled of the fruit of their labor and their privations ? Will they not say, and with justice, that they belong to a leonine partnership ? This, Most Excellent Señor, is the occasion when, arising above fine theories and prepossessions, the imperious voice of justice should make itself heard by supreme authority, in order that in vindication of humanity it should cause the property of our unfortunate compatriots to be respected. It is not, Most Excellent Señor, the Government which disposes of this property ; it is the courtiers who, adorned with the cloak of patriotism, invoking sacred liberty and the public good, deceive the good faith of the Chief Magistrate of the Republic

and draw from him orders which, calculated in their opinion to insure the happiness of men, are the cause of their ruin, and overwhelm them in misery. Let the veil, then, be stripped off, and let us cause the Most Excellent Señor the President, with the respect due to his high position, to see, that if His Excellency believes he is doing good to the Indians, the instructions conferred on Señor Híjar sanction the despoiling them of their property, for the purpose of applying it to objects, which if in other respects they are to be promoted, it should be without detriment to that unfortunate class of our brethren who groan still in the darkness of ignorance, and that to Your Excellency, as one charged to watch over and promote their happiness, it belongs to defend their rights, not with theories and sophisms, but founded in the eternal principles of justice. Men have united in society to secure their lives and property, and it is not possible to despoil them of the least part of their property without violating the pact and common right of nations.

"These incontestible principles being established, the Committee is of opinion that the execution of the instructions given to Señor Híjar should be suspended in that part which commands him to take possession of the effects of the Missions, distribute them, and convert them into money; and that a representation should be made to the Supreme Government, inserting this report, praying that it may be pleased to revoke that order; that the property of the Missions may be distributed among the Indians and in objects for their benefit, they being its only owners; that so far as the colonists may be assisted with a part of that property, it shall be on condition of reimbursing the owners out of the Pious Fund of California or out of the public treasury. From these premises it follows, that the property of the Missions ought not to be placed at the disposal of Señor Híjar, because not being entitled to assume the office of Political Chief, neither ought he to take any part in the execution of the law of secularization. The instructions which he presented expressly say in the heading, 'Instructions by which Don José María Híjar will regulate his conduct as Political Chief of Upper California and Director of Colonization in Upper and Lower.' The literal sense of these orders leaves no doubt that they empower him as Political Chief, and in no manner as Director of Colonization, which appointment gives him no political authority; it has no functions conferred by any law, and the Supreme Government, acting under the existing laws in relation to colonization, has only delegated to him the authority of conducting the colony, establishing it, and distributing land to it. That appears in the supreme

order of the 16th of July, 1833, and in the instructions of which we have made mention ; but it is necessary to repeat that the said instructions were given to him as Political Chief, and in this sense the place where the colony should be established was left to his choice ; but being deprived of that office, he is subject to the present Chief, and must obtain his assent in all that relates to the place where the families are to be settled. In brief, his special commission is that of Director of the Colony, and this if he can exercise it in accord with the said Political Chief, from whom he is to receive instructions and the necessary assistance, in conformity with the supreme orders relating to this business. The colonists deserve our consideration ; they have come under the protection of the Supreme Government ; they shall be looked after and distinguished in entire conformity with the promises of superior authority, since the change of the person who exercises the political authority ought not to operate against the lot of these families, who, relying on the public faith, have come to live with us. We will lavish upon them our esteem, and the union of brotherhood, under the protection of peace, will enable them to bear the hardships of solitude. The Californians, Señor, are hospitable, and will divide with pleasure their fortunes among all people who approach their homes. The public awaits the conclusion of this drama, and to guard it against seductions of lamentable excess, the Committee think it should be informed of what has happened, causing this report and the resolution of the Most Excellent Deputation to be published, to show distinctly the foundations on which its determination rests, in order to avoid sinister interpretations. Wherefore, it submits to your Excellencies the following propositions :

"1. That the Supreme Order of the 25th July of this year, to the effect that the command be not delivered to Señor Don José Maria Hjar, and that Don José Figneroa continue in the discharge of the functions of Political Chief, shall be obeyed.

"2. That Señor Don José Maria Hjar, if he pleases, may exercise the special commission of Director of Colonization, in subjection to the Political Government of the Territory and the bases which the Deputation may prescribe for that purpose.

"3. That Señor Don José Maria Hjar shall not interfere in the secularization of the Missions, nor shall their property be delivered to him, as he solicits.

"4. That until the Supreme Government determines what it may deem proper, the provisional regulation for the secu-

larization of the Missions, adopted by the Deputation, shall be carried into effect, and the Indians shall be put in possession of their property and lands.

"5. The Political Chief, out of the stock on hand belonging to the Missions, shall order to be furnished to the colonists the tools and other aids that the instructions call for, as soon as they arrive at the place where they are to be established, drawing the said supplies pro rata, in order not to damage any one Mission. For account of the allowance designated to each person, there shall be furnished to them grain and meat, and whatever is most necessary for their maintenance. The Director of the Colony shall be subject to the Political Chief, and shall give him a circumstantial relation of the number of persons engaged in colonizing, and an estimate of the amount of the payment to be made to them each month, in order that in this respect the supplies may be regulated proportionably. The lands of the Missions belong to the Indians, and no colony shall be established in them.

"6. The Political Chief shall retain in his possession the instructions given by the Supreme Government to Señor Híjar, to whom he will send an authentic copy of them, if he should need them, returning him the Supreme Order of the 23d of April of this year, with which he accompanied them.

"7. That this report, and the resolution which may be adopted, be laid before the Supreme Government for its superior approbation, and that a representation be addressed to it, praying it to revoke the instructions in so much as despoils the Indians of their property, and to approve the Provisional Regulations made by the Deputation; that a reverential petition be addressed to it, praying the separation of the Political and Military Commands, proposing three persons of those who may be considered competent.

"8. That this report, and the resolution which may be adopted by the Deputation, be published and circulated for the information of the public, as early as may be possible.

"JOSE ANTONIO CARILLO,

"PIO PICO,

"JOSE J. ORTEGA.

"Monterey, 21st October, 1834."

The foregoing questions affected the public, and all were occupied in their discussion; various individuals who believed their interests touched, and not being able to conceal their sentiments, divulged in their indiscretion the whole plan, making public matters which for their own honor they ought to have kept secret. Then they allowed to be seen the avarice which agitated their souls and the unmeasured

ambition which devoured their hearts; then were disclosed the obligations to which the property of the Missions had been subjected; then were made public the mereantile undertakings of the Cosmopolitan Company, which counted on no other funds for its business than the capital of the Missions; then in fine was made the boast that the Government itself, that is, Gomez Farias, consented that one of the estates of the Pious Funds of the Californias should be encumbered, mortgaging it for the value of fourteen thousand dollars, at which the brigantine Natalia was contracted for, and which were to be paid in tallow of the Missions of California; a project truly unjust, as no benefit was to result to these communities; it was said with the same publicity that the Cosmopolitan Company were going to monopolize the interior and exterior commerce of the territory, placing a house in each mission or pueblo and the necessary vessels on the coast for the transportation of foreign and domestic goods, and for the exportation of the products of the country; here was the true object of the colonial expedition which cost the nation such sacrifices; this was the end to which were directed the efforts of Señor Padres, and which he bepraised to us even to disgust, as inspired by the most eminent patriotism. The people knew the attack which was preparing against property and the bankruptcy which threatened the only capital which constituted the public riches and the ruinous monopoly which was in contemplation; thus it is that the pretensions of Señors Hjar and Padres openly conflicted with public opinion, and this is the origin of the censure which was afterwards visited upon them. Blind in their erroneous caprices, they resorted to other means less becoming to attain the result which they desired. Señor Hjar, offended in the highest degree by the resolution of the Most Excellent Deputation, answered me with a communication full of gratuitous imputations; he addressed it to me with some insults, which I attributed to an excess of bile or want of reflection, and without noticing them I waited on him in person to assure him of my friendship and to beg him to come into a conference, in order that we might discuss the matters between us, and avoid disagreeable alterations; I offered to show him the laws, orders and regulations on which the Deputation founded the said resolution, and if he proved to me that these laws were repealed, the resolution should be changed; thus it was agreed, and on the 25th and 26th of October we met; Señor Don José Maria Hjar, Don José Maria Padres, Don José Antonio Carillo, Don Pio Pico, Don José Castro, the Judge of the District, Licentiate Don Luis del Castillo Negrete, Licentiate

Don Rafael Gomez and I. The discussion was opened by reading the communication of Señor Hjar, which, as it embraces different points, I will insert, divided into sections, which I will proceed to refute in their order to the conclusion, as it was the moving cause and object of the conference.

"DIRECTION GENERAL OF COLONIZATION OF THE CALIFORNIAS :—I have received your note of yesterday's date ; it contains an order of the General Government not to deliver to me the political command of the Territory which had been confided to me, an exposition made by you to the Most Excellent Territorial Deputation, upon the subject of the evils which the execution of the order before referred to might create, because of the desire which exists in the country for the separation of the military and political governments, and finally, eight propositions, approved by the said Most Excellent Deputation, and in which it seems that you concur. I could desire that the subjects had been treated with due separation, but since it has not been thought proper to do this, I will answer the propositions in the same order in which they are expressed. In so much as regards the order not to deliver the political command of the Territory, I have nothing to object, as it emanates from the same Government which appointed me ; I am a respectful servant of the Government, and will never disregard its orders when these are confined to the orbit of its power, only I am surprised that nothing has been communicated to me that I may know whether my functions have ceased altogether, or whether you are to continue in certain circumstances only ; but this is not a question which it concerns us to resolve, and consequently it would be useless to discuss it at this time."

The supreme order of the 25th of July that I should not deliver the Political Government to Señor Hjar is very positive ; colonies, according to the regulations of the 4th of February, 1834, article 9, shall be transported under the direction of persons designated by the Government ; and according to article 10, "they shall be subject to the political chief or chiefs that the Government shall designate." There can be no doubt then that the functions of Señor Hjar ceased altogether. Nevertheless, the Deputation say that although they might consider him as deprived of both offices, that is, of Political Chief and Director of Colonization, they are of opinion that he may continue in the special commission of Director of Colonization, in subjection to the Political Government of the Territory. It appears that this is very agreeable to the wishes of Señor Hjar, although the

title of Director of Colonization is not an office defined by any law.

"I have nothing to say of the exposition made by you to the Most Excellent Deputation, since you ought to know what is the situation of the Territory and the opinion of its inhabitants; nor will I add anything on the first proposition which the Most Excellent Deputation approved, as it is in conformity with the principles which I have before laid down. The second proposition is to the effect that, if it pleases me, I may continue directing the colony, in subjection to the Political Government and to the leases which the Deputation may establish. The two conditions with which this proposition concludes are certainly remarkable—the first, from the useless declaration that every man, without any exception of privilege, must be subject to the local authorities; the second is an attack upon the General Government, upon me, and upon the colony. Who has empowered the Most Excellent Deputation to make bases of colonization? How is it that the Most Excellent Deputation pretends that powers are annulled which belong only to the Congress of the Union or the General Executive, when, as in this case, empowered by the Legislature? How many aberrations general, and to what a lamentable extent! If I should continue to direct the colony under other bases than those which the Supreme Government gave me, I would commit treason against the Government which appointed me; I would be false to the confidence with which it honored me, and to the duties of a good citizen, in recognizing the orders of an illegitimate power, such as is that of yourself and the Most Excellent Deputation in the present case. If I submit to the bases of the Most Excellent Deputation, it follows that I will not be Director of Colonization. And who has authorized you, or the Most Excellent Deputation, to deprive me of a special commission, conferred on me by the Supreme General Government? The colony which I have conducted neither can nor ought to be governed by other bases than those which were given me by the Supreme Government. When tearing from their homes the three hundred persons who accompany me, it offered them certain conditions, which must be fulfilled if there is any desire to preserve the honor of the Government. On the other hand, what guaranties could the bases of the Most Excellent Deputation offer, if, as I have said before, they emanated from an illegitimate power? Consider that I am a Director of Colonization, and not only of the colony which has arrived—consequently the natives of the country, and strangers, if they like, have a right to colonize; but if the bases should be changed all will decline, for want of securiy,

and the misfortune will fall upon the Territory, which is so much in want of useful hands."

The Deputation never had the vain pretension to attribute to its determinations the force of law, and for the very reason that it observes the limits of its own authority, it desired that the Director of Colonization should evince a proper dependence on the Government. The Deputation and myself have not pretended to dictate general bases of colonization, but we believed that we ought to establish certain rules for that which was going to be established in this Territory, because the laws have given us sufficient power to do so. If it is doubted, let the Spanish Constitution, which governs in this Territory, and the law of the 13th of June, 1813, titles 2 and 3, be examined. I will not delay to copy these articles, in order not to be too prolix, as Señor Hjar is convinced that "every man, without any exception of privilege, must be subject to the local authorities," and because the Deputation, which never desired to oppose the laws and orders of the Government, explained its meaning, expressing the proposition in the following terms :

"That Señor Don José Maria Hjar, if he pleases, may exercise the Special Commission of Director of Colonization, in subjection to the Political Government of the Territory, and to the laws and regulations established on that subject."

And Señor Hjar will see that the proposition which he has combatted is not, as he says, an attack upon the General Government, upon his person and upon the colony ; and that although we could lawfully prescribe bases for the establishment of the colony, we refrained from doing so, in order to avoid a merely nominal contest, since Señor Hjar submits to the Territorial Government, and the power which it exercises is not, as he supposes, illegitimate, but emanates from the laws which designate the manner of its transmission to the citizens who hold public office.

And what are the powers of a Director of Colonization ? I do not know, but I believe that he has no powers, because it is not an office. The title originated in a project of a law introduced in the Chamber of Deputies of the General Congress, and was taken from thence to be given to Señor Hjar ; but as the regulation of the 4th of February, 1834, subjects the colonies which may be established to the Political Chiefs appointed by the Government, and as Señor Hjar ceased to be Political Chief, it is clear that the appointment of Director of Colonization conferred upon him no political authority ; yet, notwithstanding this, the Deputation respected him as one commissioned by the Supreme Government, in proof of

which I have not attempted to deprive him of that office, as the said Señor Hjar falsely asserts.

Certain it is that the colony ought to be established in conformity with the bases prescribed by the Supreme Government; but this does not prevent it from being in subordination to the Territorial Government, nor can this subjection interfere with the conditions proposed to it—consequently the honor of the Government is preserved and the right of the stranger and native remains intact; and no one has thought of interfering with it.

“The third proposition declares that I shall take no part in the secularization of the Missions, and that their property shall not be put at my disposal. This resolution is scandalous, and like the former, an attack upon the General Government, and is subversive. I have never sought to meddle with the secularization of the Missions, and consequently do not know what is the object of the first part. The Supreme Government, authorized by the decree of the 26th November, 1833, commanded that I should take possession of the property of the Missions, in order to apply it to the purposes which it judged to be proper, and in the proposition under consideration that resolution is absolutely disobeyed. It is certainly a scandal that the persons charged to obey the laws and orders of the Government, and see them executed, should be the first to set the example of disobedience—lamentable example, which tends to the overthrow of the whole social order. Where shall we stop, if every one goes on disobeying the laws at his pleasure? To a state of nature, in which the stronger is master of the weak. Reflect that in the act of approving this resolution you have authorized the law of insurrection. If yourself and the Most Excellent Deputation believe that you have a right to attack the laws, every other person may make use of the same right, and the pact terminates. And more: a citizen may do all that the laws do not prohibit, but you and the Most Excellent Deputation can only do that which they prescribe; and your principle duty being to obey them and cause them to be obeyed, your infraction is so much the more remarkable, and your disobedience the more scandalous, as you attack the law which you disregard and those which impose upon you the obligation to see the rest obeyed. How will you punish a soldier for the infraction of a law, if you yourself and the first authorities have given him the scandalous example? I will conclude this branch by asserting that this proposition is subversive, because it tends directly to subvert social order, as I have shown; it is scandalous, because it gives a sad example to inferior persons, and is an attack upon the Supreme Government, for the same reasons

which I have given in regard to the former propositions. Neither the Political Chief nor the Most Excellent Deputation can nor ought to set themselves above the orders of the Government. To obey, and to petition if evils are felt—such is the conduct of an upright magistrate and good citizen; but disobedience will always be most disastrous to a people.”

Señor Hajar, in his communications of the 16th and 17th of October, which appears on the 12th and 13th pages of this writing, requests me to command the commissioners whom I had named for the secularization of the Missions to act under his orders; he prays that the effects of the said Missions may be delivered to him, and in effect he asks that the administration of their temporalities may be abolished, and this is not to interfere in the secularization of the Missions? If this is not so, in what respect does he seek to control them, and with what title does he seek to hold their property? Look at his communications referred to, and say whether the administration of the temporalities is or is not annexed to the secularization of the Missions. For this cause I consulted with the Most Excellent Deputation whether Señor Hajar was Director of Colonization and Secularization, or only of the first, and for the same cause the Deputation in the argumentative part of their report, to be found at page 20 of this writing, paragraphs four and six, declared with much propriety the grounds upon which it was induced to advise the third proposition, which caused Señor Hajar such strong sensations. From that exhibition it is to be understood that there was very good reason for saying in the first part of the said proposition, “that Señor Don José Maria Hajar shall not interfere in the secularization of the Missions.”

Señor Hajar, multiplying the catalogue of sarcasm and invective, asserts that the Supreme Government is authorized to dispose of the property of the Missions by the decree of the 26th of November, 1833, and that we have disobeyed its orders; in order to answer this charge, we will first examine the said decree; it is as follows:

“The Government is empowered to make all necessary orders to insure the colonization, and render effective the secularization of the Missions, of Upper and Lower California, and for that purpose to use, in such manner as may be suitable, the estates of pious works of said territories in order to furnish resources for the commission and families now in the Capital with that destination.”

I do not understand logic, but it appears to me that Señor Hajar is in the same condition, for he only has understood

that this decree authorizes the Supreme Government to dispose of the Missions ; persons who have thought on it understand that it empowers the Government to render the secularization of the Missions effective, and that is not to be done by stripping the neophytes of their property. Secularization, says the Spanish dictionary, is "the act or effect of secularizing;" "secularization is to make secular that which was ecclesiastical—to withdraw a person or thing from the class of regulars." Besides, the law of the 17th of August has determined the manner in which the secularization is to be made, and in none of its articles does it command that the Government shall take possession of the property of the neophytes ; on the contrary, it exempts it from burdens decreeing that the parish priests, who are to be substituted to the Missionary Friars, and the expenses of worship are to be provided for out of the estates, capital and revenue of the Pious Fund of the Missions of California. The consequence which follows from all that has been said is very clear, and by no forced construction which may be given to the decree of the 26th November, does there appear the authority which Señor Hjar supposes in the Supreme Government to dispose of the property of the Missions, since the only power which is conferred on it is to dispose of the estates of pious works to fit out in Mexico the commission and the families destined for these territories, but the property of the neophytes was not in Mexico, nor is a part of the estates of pious works. By what has been said it is demonstrated that far from disobeying the laws, we have compelled Señor Hjar to respect them and comply with them.

Certain it is, that the Supreme Government, in the instructions, inserted at page 11, commands to take possession of and distribute the property of the Missions. On whom does it impose its execution? On the Political Chief; and as Señor Hjar was deprived of this office by the supreme order of the 25th of July, which appears at page 8, I cannot understand how he ventures to demand the exercise of a power which by no title belongs to him.

The administration of the temporalities, while they remain undivided, pertains only to the Territorial Government, and in no manner to the Director of Colonization. This is the import of the instructions themselves on which Señor Hjar pretends to base his claims, and so the laws, of whose contents he shows himself ignorant, expressly determine.

It being sufficiently proved that the Supreme Government has not been empowered to dispose of the property of the neophytes, the imputation that we have disobeyed the laws is refuted ; nor do we disobey the order of the Supreme Gov-

ernment, for to petition is not to disobey. The Supreme Government commanded the Political Chief to take possession of the property of the Missions, distribute one portion among the colonists, and realize the other; we are sure that the Government did not calculate on the losses it was going to occasion; it would not have dictated such an order, and this error, which involves an infraction of the fundamental law, was concealed from the Government under the appearance of a benefit. It is easy to understand the false ideas with which it was sought to inspire the Government when it permits and commands the spoliation of property belonging to more than twenty thousand persons. The Territorial Government, in straits between the duty of obeying a supreme order and of preserving the property of the humblest class of their fellow-citizens, sought the means of conciliating both extremes, and adopted the measure of suspending the occupation of the temporalities, taking out of them as much as was absolutely necessary to sustain the colony, on condition of reimbursement, and of petitioning the superior authority and praying the revocation of an order as unjust as unconstitutional. In this manner we believed that we would respect and comply with its orders, save its responsibility and ours before the laws, insure their observance, and protect the property of our unfortunate fellow-countrymen. Little or no injury would result from this measure, and, on the contrary, it would be very difficult, and perhaps impossible, to restore the neophytes their property, if the spoliation should be accomplished. Well we knew that this course would not comport with the interest of Señor Híjar, but neither could we prefer the pretensions on an individual to the fate of more than twenty thousand persons, nor should the respect due to the Supreme Government oblige us to consummate the ruin of so many families without making a representation to the superior authority, which perhaps was ignorant of the nature of the case. This was the object of the following note:

“POLITICAL GOVERNMENT OF UPPER CALIFORNIA.—No. 38.

“MOST EXCELLENT SENOR: Since the receipt of the law of the 17th of August, of the year last past, by which the secularization of the Missions of this Territory was sanctioned, we have been waiting with anxiety for the Supreme Government to forward its execution by means of a detailed regulation, which should determine not only what related to the spiritual administration, but should embrace the distribution of the property existing in each one of these communities. After having waited a year for the instructions of the superior authority, and not being able to delay for a longer time

the effects of a law so beneficial, so much desired, and so much solicited by the neophytes themselves and by all sensible men: the Territorial Deputation, making use of its powers, with due solemnity, framed the Provisional Regulation, which, under date of the 9th of August last, I addressed to Your Excellency, soliciting the superior approbation of the Government. Then and always the neophytes of the Missions were reputed the owners of the property pertaining to them, because all was acquired by their personal labor in community under the direction of the missionary friars, who, as tutors, have administered and economized the property remaining after maintaining, clothing and supplying the necessities of the subjected natives, as minors, whose education had been committed to them by the Government. Thus it is that the estates, the temples, real and self-moving property, and whatsoever exists in the Missions, has been acquired by the labor and privations of the Indians. The public treasure has never been applied, directly or indirectly, in aid of this property; in the beginning, the first foundations were made at the cost of the missionaries themselves; afterwards they were assisted by the piety of individuals who donated various sums, with which was raised the Pious Fund of the Missions of California. Out of this fund were given, as alms, four hundred dollars a year to each friar, with which their wants were supplied, and a thousand dollars, once only, by way of temporal outfit for each Mission and for the cultivation of the soil; the more ancient aided the new with a few things, and this was the only assistance which they received in their origin; all the rest was acquired by the constant labor of the Indians. Thus attests the Regulation of 1781, in title 15, art. 2, and thus thought the Junta for promoting the interests of the Californias, in the exposition which they addressed to the Supreme Government, the 6th of April, 1825, proposing to it a plan for the better regulation of these Missions. For this reason, and because the right of property which the Indians have in the property which they possess under the tutelage of the Government and the immediate administration of the Missionaries, is unquestionable, the Deputation did not hesitate in determining that the half of it should be adjudicated and distributed to them in full ownership, reserving the other half for the disposition of the Supreme Government, in such applications as it might think proper to commend them to make for the benefit of the same Indians,—as for paying the teachers who educate them, for funds to support their pueblos, for paying the parish priests who serve them, the expenses of worship, and other expenses which may arise. This is entirely in conformity with justice and in accordance with

the directions which the Supreme Government gave to Echandeia, Victoria and myself, in the instructions which were given us on confiding to us the office of Political Chief. Resting upon such strong foundations, and because it considered Señor Híjar without power to dispose of the property of the Missions, to the prejudice of more than twenty thousand Indians, who only are its owners, the Deputation opposed the delivery of it, in the manner which Your Excellency will observe in their resolution of the 22d of October last past, of which I transmit you a copy of this date, [No. 5,] by which it decided as follows: 'That until the Supreme Government determines what it may deem proper, the Provisional Regulation for the secularization of the Missions shall be carried into effect, and the Indians shall be put in possession of their property and lands; that this opinion, and the resolution which may be adopted, be laid before the Supreme Government for its superior approbation, and that a representation be addressed to it praying it to revoke the instructions inasmuch as despoils the Indians of their property, and to approve the provisional regulations made by the Deputation. And I have the honor to enclose it to Your Excellency, together with a copy of the instructions by which it is commanded to take possession of the property of the Missions, give a portion to the colonists, and of the remainder, convert one-half into cash, without purpose or rules to insure the safety of the proceeds, and to reserve the other half for the pay of parish priests, teachers, expenses of worship, &c., &c. No mention is made of the Indians, who are the owners of this property, and it is indeed a violent spoliation. We believe this has happened through forgetfulness in the office of the Secretary, but never from the deliberate intention of the Government to deprive more than twenty thousand indigent persons of the fruit of their toils, the only inheritance which they have received from their forefathers. Señor Híjar, in his communication of the 23d October, maintains that neither are the Indians the owners of this property nor ought the Deputation to command them to be distributed; he thinks that the Indians ought to continue in the same servitude without other difference than paying them hereafter their daily wages. Truly, Most Excellent Señor, in that case, it were better not to change their situation, because it would be to make their evils worse. Señor Híjar says they should be commanded to collect the property which already has been distributed to them, as the most sensible course. Such a proceeding, we believe, has existed only in the head of Señor Híjar. Against principles so erroneous, justice, policy and humanity revolt. All the world knows that the Indians, by

their industry and labor, have acquired and preserved the property of the Missions; have subsisted upon it and possessed it since the time when, through choice or force, they were made Christians. Then who shall deprive them of it without attacking the social guaranties? The Federal Constitution [art. 112, restriction 3d] says as follows: 'The President shall have no power to take the property of any individual or corporation, nor disturb him in the possession, use, or enjoyment of it; and if in any case it should be necessary for an object of known general utility to take the property of an individual or corporation, he shall have no power to do so without the previous approbation of the Senate, and in its recess, of the Council of Government, making always such compensation to the person interested as may be determined by arbitrators to be chosen by him and by the Government.' It is thus seen, Most Excellent Señor, that the Supreme Government has not the power (I speak with due respect) to dispose of the smallest part of the property in question. If it does so in the manner prescribed in the Constitution, 'for an object of known general utility, there ought to have preceded also the approbation of the Senate or of the Council of Government; this requisite failing, it is the duty of the subaltern authorities to represent the unconstitutionality of the order. This is the position to which the Deputation and I find ourselves driven, and by reason of which we reverentially declare to your Excellency that, besides being unconstitutional, the order is unreasonable, since it commands a part of the property, without just reason, to be converted into money, and without determining its application or ordering it to be paid into the Federal Treasury. It is true that part is to be applied to the payment of the colonists, but not the whole. Besides, this expenditure ought to be borne by the Federal revenues, for which purpose the Government is authorized by the laws of the 6th of April, 1830, and 21st November, 1833; but no law authorizes the spoliation of the property of the Indians to apply it to the colonies. Señor Híjar says that the Government is authorized to do this by the law of the 26th November, 1833; but this is a mistake, as the law is literally as follows: 'The Government is empowered to make all necessary orders to insure the colonization and render effective the secularization of the Missions of Upper and Lower California, and, for that purpose, to use in such manner as may be suitable the estates of pious works of said Territories, in order to furnish resources for the commission and families now in the capital with that destination.

"Will it be inferred that by this law the Government may

dispose at pleasure of the property of the Indians? Is spoliation of property the way to make secularization effective? The Deputation has not understood it thus, nor believes that the Supreme Government can interpret it as Señor Híjar does. The Deputation deduces from the whole that the instructions referred to were given either under excessive pressure or obtained by surprise, and concludes with praying Your Excellency that you will deign to think carefully on this lengthened exposition, and to obtain from the Most Excellent President the due approbation of the provisional regulation, in which it is commanded to give the Indians possession of their liberty, property and lands, and to declare null and of no force the 1st, 11th, 12th, 13th and 14th articles of the instructions given to Señor Don José María Híjar on the 23d of last April, as well because they are notoriously unjust, as because, being deprived of the political command, neither ought he to exercise the powers in question. Finally, Most Excellent Señor, the Deputation and I are submissively obedient to the laws and the constituted authorities, but, at the same time, we desire to be right, for the sake of our own responsibility, and for the honor of the Supreme Government. This it is which has induced us to discuss so delicate a subject: If we err, it will be for the want of understanding, and in that case we implore the indulgence of the superior authority. And we also pray your Excellency to assure His Excellency the General President of our respect and subordination, and that at all times we will obey his mandates with pleasure.

"God and Liberty. Monterey, 9th November, 1834.

"JOSE FIGUEROA.

"The Most Excellent Secretary of Internal and External Relations."

I believe that I have sufficiently proven that we have not disobeyed the laws nor the Supreme Government, as Señor Híjar falsely charges us. This admitted, what is the bad example that we have given? What the overthrow of social order? What the disobedience, what the insurrection that I authorize? And what, in fine, the multitude of errors with which he seeks to defame my conduct? Where are the infractions that so scandalize my detractor? Let only one be shown; but by facts, and not by that jargon of words, which signifies nothing. The proposition is subversive, asserts Señor Híjar, because it tends directly to subvert social order; and in what is this calumny founded? In that I would not consent to the usurpation of the property of a multitude of citizens; this is my fault.

I leave this business to the judgment of sensible men and of the Supreme Government ; but, in the meantime, I may be permitted to ask Señor Hjar by what right he upbraids me ? What power has he to reprove me ? Is this the duty of a citizen ? Is this the manner which the laws prescribe to enforce the responsibility of public functionaries ? Can Señor Hjar disobey me with impunity ? Who has authorized him to disown my authority and declare me a violator of law ? It must be admitted how much more scandalous is the resistance of Señor Hjar to the orders of the Territorial Government, than that of this Government in regard to the delivery of the property of the Missions. Señor Hjar in fact insults and disobeys the authorities lawfully constituted, and this is an offence which ought to be punished. We prevent Señor Hjar from committing, in the name of the Government, the outrage of plundering the property of citizens, in violation of the Federal Constitution and of the social guaranties, and this is a virtue in the opinion of honorable people. But it was reserved for Señor Hjar to reproach me, because I would not tolerate his robberies and frauds.

Let us make a slight analysis of the application which was to be made of this property which Señor Hjar contends for. One part was to be applied to the maintenance and establishment of the colony ; another was to be converted into money, and for what purpose ? Señor Hjar only knows, for the instructions do not say. Another part was to go to the expenses of worship and schools and the support of ministers. And in what law is found the authority to plunder one class of citizens to benefit another ? In none. What say the laws concerning the foundation of colonies ? That of the 18th of August, 1824, established the general bases of colonization ; that of the 6th of April, 1830, empowers the Government to colonize such lands as it may deem proper, having first contracted for them and paid for them to the States to which they belong, and to expend five hundred thousand dollars in aid of colonization. The same law designates a source of revenue to be applied exclusively to colonization, and gives the Government, in fine, other attributions, which it would be too prolix to refer to. The law of the 21st November, 1833, authorized also the Supreme Government to expend the sums necessary to colonize the Territories and other vacant places where it had the right to do so.

That of the 26th November, 1833, authorized the Supreme Government to take measures to insure colonization.

The Vice President of the Republic, in exercise of the Supreme Executive power making use of the authority which the law of the 6th April, 1830, confers upon him, framed on

the 4th of January, 1834, the regulation for the government of the colonies which should be established; but no law empowers the Supreme Government to convert the property of the Missions to the purposes of colonization.

I will say nothing of the alienation which was required to be made, because this is an unfathomable mystery about which much is to be inferred and nothing can be proved.

In regard to the payment of the salary of ministers, and the expenses of worship and schools, no one can be ignorant of its utility and advantage to the owners themselves, and this provision is in force from necessity; but it will be seen that the law of the 17th of August, 1833, commands that the salaries assigned to the parish priests shall be paid out of the Pious Fund of the Californias; by what right, then, shall we impose burdens upon the property of the most needy class of citizens? I find no provision of law to justify such an act.

"The fourth proposition insists on carrying out the provisional regulation. At every step the violations of law accumulate more and more, and it is inconceivable how so respectable a body should persist in such a manner, not only in disobeying, but in opposing the dispositions of the Supreme Government. By what right can you and the Most Excellent Deputation dispose of property which by no title has been subjected to your inspection? No law, no provision, has authorized you to make an appropriation of funds which do not belong to you, and of which you could not dispose without a Supreme Resolution; how will you and the Most Excellent Deputation respond to the charges which may be made for this arbitrary conduct? What security will the possessors have to whom the effects of the Missions may pass, if neither you nor the Most Excellent Deputation were authorized to transfer them to any corporation or person? If the regulation in question should not be approved as solicited, how much confusion is going to be produced! It would be necessary to retake the property out of the hands of the possessors, and then disappointed hope would cause a thousand discontents, and heap up, consequently, an accumulation of evils which would put the territory in consternation. It is insisted on carrying out a regulation, which, if executed, would certainly cause the ruin of the Territory; I pass over Señor, General, the contradictions which it involves and the slavery to which the natives remain subjected; the great difficulty in policy consists in finding the means of withdrawing the Indians from the slavery and nascent state in which they are, to a state of civilization and liberty. Neither you nor the Most Excellent Deputation have appreciated this difficulty. With a facility which is frightful has been decreed

the formation of pueblos and institution of Ayuntamientos in the same manner that you would legislate for civilized people, and with all the necessary elements at hand, what will be the consequence to these new pueblos of a change so novel and sudden? That which has happened in all countries and in all nations where the same course has been attempted; they will be lost, and I appeal to history. Ever where a people has been violently translated from a state of slavery to one of freedom, it has been wholly unable to follow the flight of its leaders; they have lost sight of them and gone astray. Such is the fate prepared for this Territory by its rulers. I regret infinitely having to touch upon a question which did not concern me, but in view of the persistence to carry into effect a regulation which infallibly must in time produce evil, I have deemed it my duty to make these slight observations upon it."

Various are the charges and accusations which Señor Hijar makes against the Territorial Government, but they are all without foundation, as I shall demonstrate. The first charge is because it is insisted on putting into operation the Provisional Regulation, from which Señor Hijar deduces that the violations of law are accumulating more and more, and that the Deputation is determined to disobey and oppose the dispositions of the General Government.

The Provisional Regulation in question is that which the Territorial Deputation framed to facilitate the execution of the law of August 17th, 1833, in regard to the secularization of the Missions; in it is prescribed the manner of distributing to the neophytes of each Mission the lands which they possess, and also a part of the other property of which they are also in possession, because they are the lawful owners of the whole. The Deputation has done nothing more than obey the law and propose to the Executive the method of putting it into execution; this act is peculiarly within its functions, and it had the legal power to frame the regulation, in order to present it to the approbation of the Supreme Government, as well because local knowledge was wanted, which no one possesses so fully as this body, as because the law of the 23d of June, 1813, and the Spanish Constitution, which governs in this territory, impose upon it the obligation to do so; that authorizes it in divers manners, and by art. 14 of chapter 2, commands it to present to the Government the plans and projects which appear to it most suitable for the encouragement of agriculture, the arts and commerce; this, by article 335, attribution 10, empowers it to watch over the economy, order and progress of the Missions.

If this will not suffice, look to the laws of the Indies, from whose pages shine out the wisdom and charity with which that code was dictated in favor of these same Indians, whom, under the free government of Gomez Farias, it has been sought to rob even of the property which they have acquired by their personal labor. The Territorial Government is not ignorant, like Señor Hjar, of the privileges which the Indians have enjoyed under the dominion of the Spanish Government; it has kept in mind the laws 9, of tit. 3, lib. 6; 14, tit. 4, lib. 6; and 5, 7 and 9, tit. 12, lib. 6, of the Recapilacion of the Indies. By these it is commanded that the Indians shall not be deprived of the lands where they live, nor be molested; that these shall be preserved for them and distributed to them as their own; that their property shall not be converted to other objects than their benefit and those for which their pueblos were established; many other directions and provisions are made, but all in favor of the Indians, with heavy penalties against violators. It had in view the laws of the 13th of March, 1811, 9th of November, 1812, 4th of January and 13th of September, 1813, which have provided for the division of their lands among the Indians.

It was intended, my antagonist will say, to confer political importance on the Director of Colonization, and that for this end no means ought to be omitted; for this reason he sought to place his powers in competition with those of the Government, and after the great parade with which they challenged the public attention, there resulted!—what the mountain brought forth!

The laws which governed these establishments from their foundation, subjected them to the Territorial Government, and no one except Señor Hjar has rejected its authority in this respect. He does not know or does not understand what is contained in the laws which I have cited, and this only can serve as an excuse for the audacity with which he abuses the Territorial Government, denying its powers. Let Señor Hjar know, then, that the Government has given its protecting guaranties to preserve this property and adjudicate it to its true owners; that these, not yet having emerged from the abject state in which nature placed them, and being children in civilization, without the use of reason or knowledge of their interests, it is the duty of the Government to discharge the functions of a common father, and afford them every species of protection; this is the obligation of a just Government. And shall it be vituperated because, from miserable pupils it converts them into free proprietors, distributing to them their own lands? Perchance the law of the 17th of

August, 1833, is not limited to this single object? It is not to withdraw them from the ecclesiastical estate to which they were subjected, and to redeem them from the servile pupilage in which they have lived? All of us are convinced of these truths.

Admitting that the neophytes are removed from the economical government of the Missionary Friars, they remain unquestionably subject to the Political Government, which is under obligation, by the law of the 23d of June, 1813, to establish its local authority, in accordance with the laws applicable to the subject matter; it ought also to distribute among them the property which they have acquired in community, for this has ceased to exist, and they enter upon the enjoyment of the rights of citizens. These were the grounds upon which the Territorial Deputation acted in projecting the regulation in question and presenting it for the approbation of the General Government—a course which partakes in nothing of the arbitrary, commits no violation or disobedience of law, and opposes no order of the Supreme Government; a course, in fine, worthy of the approved zeal of this body for the well-being of its constituents; but notwithstanding the justice with which it undertook the task, it met with the opposition of the Political Chief, who from delicacy, and because he was in hope that his successor would bring the law, as regulated, opposed the opinion of the Deputation, and postponed for more than six months the formation of the said regulation. I was aware that Señor Don José Maria Hjar was coming to relieve me, and I did not wish to anticipate his judgment in regard to carrying out the secularization; neither did I desire to undertake it, because I knew the delicacy and difficulty of its execution, and the afflicting results which it would produce, if carried out simultaneously and with precipitation. My opposition, for these and other reasons, was public and notorious; but as the evil was caused, and it was my duty to obey the laws and see them fulfilled, I was compelled to submit to the force of circumstances, against my own convictions. I make no merit of this incident to vindicate myself, but that it may be judged whether or not I have proceeded with integrity and frankness.

I believe that, after this explanation, Señor Hjar will no longer doubt that the property of the Missions is subject to our control, and that we ought to have regulated the manner of distributing it among its proper owners; the error of supposing that no law authorizes us to make an appropriation of these funds is demonstrated. In this manner we reply to whatever charges may be brought against us for the supposed arbitrary conduct of which he accuses us.

Another of his charges is to the effect that the persons to whom the property of the Missions may be transferred will have no security, because neither I nor the Most Excellent Deputation have the power to transfer it to any corporation or person. Señor Hajar may know, if he is ignorant, that to transfer, is "to cede or pass that which is possessed to another person," and as the fact is, that we only regulate the mode of distributing property among the possessors themselves, it results by necessary consequence that we have not ceded nor passed over anything from one owner to another, and that the possessors of the said property have sufficient guaranties of its enjoyment; because no one but Señor Hajar has disputed their right of property and possession, which they have enjoyed without interruption under the protection of the Government from the foundation of the Missions. And who but Señor Hajar can doubt that the Supreme Government will approve the regulation of secularization? We may be sure that he prophesies falsely that the property will be retaken from the power of the possessors; and that this injustice could be committed only under his auspices and never by the assistance of the Supreme Government, which has always respected the property of its subjects, and, with more reason, that of the class of citizens whom it considers minors, and who live under its guardianship. How is it that the regulation will cause the ruin of the Territory, as Señor Hajar asserts? Will it be, perchance, because he will not enjoy at pleasure the fortunes of the neophytes? They alone have the right to enjoy the fruit of their labor, and this it is, exactly, which displeases Señor Hajar.

Señor Hajar says, mysteriously, that he passes over the contradictions which the regulation contains and the servitude to which the natives remain subject. I would be pleased if he would point out the contradictions, and the servitude of the natives, which he condemns, in order to answer his objections; but to suppose, without facts or evidences, argues calumny or bad faith.

Neither the Deputation, nor I, he says, take the trouble to examine the means of withdrawing the natives from slavery to a state of civilization and liberty; that, with a facility which is frightful, has been decreed the formation of pueblos and the institution of Ayuntamientos, as if we were legislating for civilized people. This, to my judgment, evinces an inconceivable contradiction—because he supposes and complains of the servitude of the neophytes, and at the same time objects to the excessive liberty which is granted to them; but, passing by the multitude of redundancies which are not to the purpose, I will limit myself to showing that the Deputation

has only taken care to maintain the natives in the dependence necessary to preserve among them good order and subordination, so as to avoid the excesses and aberrations to which, from their stupid ignorance, they incline. It has taken care, at the same time, not to attack their liberty or the social guaranties. These facts prove the foresight with which we have endeavored to withdraw them from slavery to a state of freedom, without overlooking the difficulties of the change. Very great obstacles have we had to overcome, and long before the law of secularization we represented its inconveniences, not that it should be suspended, but that it might be determined upon more partially and gradually, because in this way it would be more suitable to the character and circumstances of the natives ; but as it has not been cared to listen to the opinion of the local authorities, and as at that time the same Señor Higar, who now censures us, and the Adjutant Inspector, Don José Maria Padres, were urging in Mexico the passage of the law which was to enrich them, it was not deemed proper to reflect upon what the Political Chief represented. The law was passed, and certainly it is not the Territorial Government that passed it ; that granted, neither ought it to be responsible for bad results, for it has done nothing but obey the laws and cause them to be obeyed, avoiding, as much as lay in its power, the aberrations of men translated suddenly from slavery to liberty. Señor Higar wonders that pueblos should be formed, when the Territorial Government only gives them the name, while they have existed in reality for years under the title of Missions ; but, perhaps on this account they ceased to be pueblos ? Certainly not. Look at the definition of this word, and it must be confessed that they have always been pueblos. In the same manner he is surprised at the institution of Ayuntamientos, although it is one of the principal duties of the Territorial Government to see that they are established where there are none ; thus expressly provides the law of the 23d of June, 1813, chapter 2d, art. 1, and the Constitution, in art. 335. Señor Higar may also know, that if the laws which regulate the government of pueblos are not appropriate for those of natives, the fault is not with the Territorial Government, because it has no power to change or reform them, but is bound to apply them without restriction. Likewise prophecies Señor Higar, that the natives will not be able to follow the flight of their leaders, because they have been torn with violence out of a servile condition into that of freedom ; that they will be lost, as has happened in all nations where the same course has been adopted. These facts he attests with history, and ends his discourse prognosticating the ruin of

the natives due to their rulers; that is to say, to the Territorial Government. I will not trouble myself with proving that the fears of Señor Híjar are panics, because, in his opinion, the neophytes ought not to emerge from pupilage, nor ought property of any kind to be given them, because they are unworthy to possess it, nor could they then be compelled to cultivate the fields of their feudal lords. Such are his philanthropical ideas; on such bases was he projecting to systematize the political government of the neophytes of the Missions, and those to whom he would do a great favor he would consider as colonists, and give them a little piece of land. Señor Híjar will permit me to remind him of these notions, expressed in various conferences which we held, and that I refuted him, contradicting absolutely his opinion. He will remember, very well, that I defended with the same laws the right which the neophytes have to be put on an equal footing as to their possessions with the rest of the citizens, and their preference to have adjudicated to them the lands and property which they possess, acquired by their personal labor and that of their forefathers; neither could I agree that they should be considered as colonists, because they are proprietors established on the land where they were, and for other reasons, which it would be tedious to mention. Grant that all are not able to follow the flight of their leaders on account of the state of ignorance in which they exist, still the beneficent measures which have been dictated in their favor ought not, on this account, to be omitted; some will go astray, but many will succeed, and the result is always a good for society and an advance in civilization; it is proposed not only to convert them from pupils into proprietors, but to educate them and make them industrious; and if this is never begun, they will never issue from the miserable sphere of slaves. It is necessary to suffer them to make this dangerous transit, in order that they may reach the end; and this certainly is not to tear them with violence from the servile state into that of freedom, as Señor Híjar falsely asserts; because they are not abandoned to themselves, but remain under the protection and aid of the Government, subject to peculiar laws and regulations. I know not to what nations Señor Híjar compares them, and for this reason I am unable to answer his argument. He blames the Territorial Government, according to his custom, for the bad results which he predicts, without other data than his own assertion, supported by a play of words which signify nothing in substance.

He confesses, finally, that these questions do not pertain to him, but seeing it was insisted to carry out the regulation, which in time must produce evil, he felt himself obliged to

make those slight observations. Much more honorable to him would it have been to take no part in the questions, admitting, as he frankly confesses, that they do not concern him. Indeed, by what power does he object to the decrees of the Territorial Government, when his authority as Political Chief has ceased? Why so much acrimony against the Territorial Government because it seeks to distribute property to its lawful owners, and will not deliver it into the mortmain possession of Señor Híjar? It is necessary to repeat that the fate of the natives concerns him little or not at all, and that the only motive for his ill-digested discourse springs from seeing escape from him the abundant capitals in which he desired to exercise an exclusive brokerage, under the pretext of colonization, and with notorious injury to those who accumulated the property. Upon this were calculated those magnificent schemes of happiness which Señor Híjar and his followers so much lauded, even to launching out upon the arrogant presumption of being called the redeemers of the Californians. If, as he confesses, that it was not his business to discuss these questions, he had abstained from meddling with them, I would have been spared the necessity of publishing his ambitious pretensions.

"The fifth proposition is devoted to the regulation of certain of your proceedings and of mine, and to declaring, with the firmness of a legislator, that no colony shall be established in the lands of the Missions, because they belong to the natives. As to what relates to me, I have nothing to say, since I am resolved to observe no instructions but those which were given me by the Supreme General Government, as they are the only legitimate ones to the present time. I would make myself contemptible before men, and be an unworthy son of Jalisco, if I should be so weak as to lower myself to recognize the orders of an erratic authority, which, going out of the orbit of its own functions, seeks to usurp those committed to the high powers of the Union. It is not you nor the Most Excellent Deputation who are to regulate my proceedings in respect to my commission. The laws govern me, and not caprices nor arbitrary will. If it is believed that the lands belong to the Indians, how is it that by your regulation it is only commanded to give them, as a maximum, a little patch of four hundred varas square and the insignificant portion for pasturage in common? How many contradictions, Señor General! It appears to be only intended to deceive the miserable natives—abusing their candor. This is not the place, nor is it for me to investigate the right of property in the soil, with which it is sought to indoctrinate the natives, to the total exclusion of the eminent

right of the Government; but, if I may be permitted to say so, this doctrine will be disastrous to those who have proclaimed it, and prejudicial to the prosperity of the Territory."

In order to answer the different charges of Señor Híjar against the Government, it will be necessary to repeat the contents of the fifth proposition which he has combatted. The language is as follows :

"The Political Chief, out of the stock on hand belonging to the Missions, shall order to be furnished to the colonists the tools and other aids that the instructions call for, as soon as they arrive at the places where they shall be established, drawing the said supplies pro rata, in order not to damage any one mission. For account of the allowance designated for each person, there shall be furnished to him grain and meat, and whatever is most necessary for their maintenance. The Director of the Colony shall be subject to the Political Chief, and shall give him a circumstantial relation of the number of persons engaged in colonizing, and an estimate of the amount of the payment to be made to them each month, in order that, in this respect, the supplies may be regulated proportionably. The lands of the Missions belong to the Indians, and no colony shall be established in them."

I appeal to the judgment of sensible men to say whether the provisions are within the competency of the Territorial Government, and whether they are in conformity with the spirit of the laws. But to avoid mistakes, I will answer briefly to the objections of Señor Híjar.

Says this gentleman, that he is resolved to observe no instructions but those which he received from the Supreme Government, and that he would make himself contemptible if he should be so weak as to lower himself to recognize the orders of an erratic authority which has usurped the powers of the Government of the Union. Already have I demonstrated, and Señor Híjar so confesses, that his office of Political Chief has ceased, and with it all its inherent powers, including those given by the instructions which he received from the Supreme Government. But it is very painful to him to relinquish a power which so much excited his hopes, and he fears not to contradict himself, provided he can wound the respect which he owes to authority. He has said that all men, without any exception of privilege, must be subject to the local authorities, and that it was useless to make that declaration, and thereupon replies that neither I nor the Most Excellent Deputation can regulate his proceedings. I have also demonstrated that by the regulation of the 4th of February, 1834, the colonies are subjected to the Political

Chiefs that the Government may appoint, and were so by the civil law. I have proved that the Deputation and I are empowered by the laws to regulate the proceedings of Señor Hajar as Director of the Colony, however disagreeable it may be to him. In the same manner, I have proved the legality of the jurisdiction which we exercise, because it emanates legally from the supreme power, which has confided it to us, with the formalities which the laws prescribe. Thus it is that we do not know in what Señor Hajar makes the illegality and usurpation to consist. But, however against his will, he must be subject to the Territorial Government, and obey its mandates without questioning them, because he lacks authority to do so; and even in the hypothesis that we should exceed our powers, he would only have the right to bring us to justice and enforce our responsibility according to law, but never to disobey us. Wherefore, I repeat the question, Who is Señor Hajar—to disown my authority and declare me a violator of the law? Is he, perchance, a juriconsult, unexceptionable in the present case? He is surely nothing more than a subject, and a subject without jurisdiction, independent of the Government, as he pretends.

Señor Hajar says, ironically, that, with the firmness of a legislator, we declare that no colony shall be established in the lands of the Missions, because they belong to the natives. Before going further, I will prove that it is not a decree of the Territorial Government, but a positive provision of the law of the 18th August, 1824, whose second article is as follows:

“The subject of this law are those lands of the nation which, not being private property nor belonging to any corporation or pueblo, may be colonized.”

The Supreme Government regulated this law on the 21st November, 1828, and in the 17th article prescribes the following:

“In the territories in which there are Missions, the lands which they occupy shall not be colonized for the present, and until it may be determined whether they should be considered as the property of the settlements of the neophyte cateumens and the Mexican founders.”

What has been said will suffice to convince that it was not the wantonness of the Territorial Government which induced it to dictate that order, but a positive provision of law, which is not repealed, and does not admit of interpretation.

All the laws which I have cited give the neophytes a right of property in the lands which are recognized as pertaining

to the Missions, a right which the Spanish Government during its domination respected, and which no one, up to the present time, has disturbed them in; but even if this were not so, is it not certain that they are favored by the natural and civil possession as to which no one can raise a doubt? Will Señor Híjar deny to them that they were born on the land which they have been cultivating under the guardianship of the Government, now more than fifty years? Will they, in spite of their inertia, cease to know and believe that they are the owners of the land which they cultivate, and of the property which they have acquired by their labor? This is very certain, notwithstanding all the efforts to render it obscure. Señor Híjar asks, if the lands of the Missions belong to the Indians, "how is it that by your regulation it is only commanded to give them as a maximum a little patch of four hundred varas square, and another insignificant portion for pasturage in common?" The regulation is not mine, but framed by the Territorial Government, and the satire of Señor Híjar comes very ill; this little square was designated to the Indians at first, because they are not considered capable of cultivating a greater quantity, and because it is sought to distribute the superficies of the land in proportion to the number of individuals who are considered entitled to it, leaving the door open to appropriate it to the industrious ones who may devote themselves with most earnestness to its cultivation. It is false that the land designated for pasturage in common of the cattle of the neophytes is so small, as Señor Híjar asserts, and the proof is that no certain quantity was determined, but it was left to the judgment of the commissioners to enlarge or diminish it in proportion to the greater or less number of the cattle, and the extent of the land belonging to each Mission. Besides the land which was to be given to each individual in full ownership and property, it was designed to designate common lands and assign to each pueblo, as municipal lands, a certain quantity of land, for the purpose of employing its products in the common benefit of the pueblo; but Señor Híjar did not fix his consideration upon these points, and his criticism has no other foundation than the unjust gratification of his resentment; his vague exclamations are absolutely without support, and his imputations are so many calumnies. It appears (he says) to be only intended to deceive the miserable natives, abusing their candor. And in what manner will Señor Híjar prove his assertion? With silence, because he has no facts to present, as he has skill in inventing gratuitous calumnies. Señor Híjar may know that the Territorial Government has believed in good faith that it was doing a positive good to

the natives in all the provisions which it has dictated in their favor, and in fact, how could it be a deception to give them landed property and liberty to acquire and enjoy whatever goods of fortune their industry might obtain for them? And although they should not attain these positive advantages which have nothing illusory about them, has Señor Híjar forgotten that governments, as the wise Bentham says, have to choose among evils, the least? Señor Híjar confesses, unwillingly, that it is not his business to investigate the right of property in the soil which is taught the natives, with total exclusion of the eminent right of the Government, but that this doctrine will be disastrous to those who proclaim it, and prejudicial to the Territory. If it does not belong to him to inquire into this matter, by what right does he reproach the Territorial Government? Therefore, that scurrilous style is excessively disrespectful, if not criminal. It does not belong to him to inquire, and yet he has the audacity to deny openly to the neophytes not only the right of property in the lands which have been ordered to be adjudicated to them, but even in the chattels which they have acquired with their personal labor; this is apparent throughout his discourse, and I refer more expressly to the divers conferences which he had with me on that subject; if Señor Híjar esteems himself a gentleman, he will not deny the truth of this. And what is the eminent right of the Government? I do not know, and I have proved by the Constitution, that the Government has no power to take the property of any individual or corporation. Nor does Señor Híjar say in what consists this eminent right. He holds it very wrong in us to impress the natives with their rights, and a little before accuses us with subjecting them to an ignominious servitude, and that neither the Deputation nor I appreciate the difficulty of withdrawing them from a state of slavery to one of freedom—that we snatch them with violence from that to precipitate them upon this, to their destruction; in the next breath he says that it is only designed to deceive them, abusing their candor, &c., &c. Behold! a lengthened series of inconsistencies which the author himself cannot explain by the rules of reason. And for what reason will it be disastrous to us to impress the natives with their rights? Let us leave to the selfish to lament the progress of our unfortunate natives, while we respect the rights of man, whatever may be his origin. The Territory will by this be prejudiced in the opinion of Señor Híjar, but whence does he deduce such results? I know not; he seeks to be believed upon his assertion, but that is no proof.

“The sixth proposition is devoted to commanding instruc-

tions given me by the Supreme Government, to be retained. This resolution has surprised me beyond measure ; never did I believe that the good faith with which I sought to comply with the desires of the Most Excellent Deputation, sending them the original instructions, as they requested, with the utmost courtesy, even to proposing to me to show them, if not inconvenient, could be abused to such a degree. By what right am I deprived of that which belongs to me as my property, while the Supreme Government does not relieve me of the Direction of Colonization ? I am amazed, Señor General, and never believed that a body so respectable would assail me in a manner which violated its honor and delicacy. For what end are my instructions retained ? In truth, I cannot comprehend. If it is to petition against them, I would have given a copy whenever requested. If it is that they may have no effect, it would suffice if the Political Chief had placed at the foot of the order, 'not to be executed in this Territory.' There being no authority then, for retaining a document which belongs to me, and having to execute my commission in other parts beyond the Territory of your command, I hope you will be pleased to return me my instructions for consequent ends."

The instructions were retained because they were committed to the Political Chief of Upper California, and not necessarily to Don José Maria Híjar ; it is an official document, which belongs only to the Government itself, and not to Señor Híjar, as he improperly pretends ; it ought to exist in the archives of the Government, which is the office of the nation ; it ought, in fine, to remain in the power of the Political Chief, who alone is charged by the Constitution and laws with their enforcement, and that of the decrees of the Supreme Government. Without pausing to cite all which has been decreed on the subject, I will quote only articles 1 and 17, chapter 3, of the law of the 23d of June, 1813, which are as follows :

" 1. The Political Government of each province, according to art. 324 of the Constitution, being in charge of the Political Chief named by the King in each one of them, in him vests the superior authority within the province to watch over the public tranquillity, good order, security of the persons and property of the inhabitants, the execution of the laws and orders of the Government, and in general all that belongs to the public order and prosperity of the province ; and as he will be responsible for the abuse of his authority, he shall likewise be punctually respected and obeyed by all. Not only shall he have power as the Executive to enforce the penalties imposed by the laws of police and decrees of good

government, but he shall have the power to impose and exact fines from those who disobey him or treat him with disrespect, and from those who disturb order or the public peace.

"17. The Political Chief only shall circulate through the whole province all the laws and decrees which may be promulgated by the Government, causing them to be published in the capital of the province, and the Territorial Deputation to be made acquainted with them, and taking care to forward them to the inferior Political Chiefs, if there should be any, or to the First Alcaldes of the principal towns of the district, for the same purpose. The Political Chief, being responsible for the circulation of the laws and decrees, he will require receipts from those authorities to whom he transmits them."

This being so, how shall the Territorial Government execute the orders of the Supreme Government without having knowledge and evidence of them? Or shall Señor Hjar, by himself and before himself, execute them independently of the Political Chief? What kind of authority is it that he exercises? What foundation has he for saying that the instructions are property which belongs to him? If the public employées should in the same way pretend to make themselves owners of the laws, orders and documents which they receive, there would be no archives, and all would be confusion. Besides these reasons, the Territorial Government was apprehensive that he would make a bad use of the instructions, as in fact their fears were afterwards verified, and for that reason commanded them to be retained, with no other object than to endeavor, if possible, to execute them and to avoid the abuses of the Director of Colonization. The Territorial Government was under the necessity of acting in that manner, because neither had it received other orders, which put it in a clear light, because communications had been made to Senor Hjar only while he held the office of Political Chief; but those functions having ceased, no jurisdiction remained to him as Director of Colonization, and to him, as such, it was the duty of the Political Chief to communicate the orders of the Supreme Government contained in the said instructions in relation to his office. In any other manner, how could Señor Hjar comply with those Supreme Orders? Should he act with entire independence of the Political Government? Let him show whence spring those powers which he desired to exercise. But his silence confirms my opinion, and vindicates me from the abuse which has been lavished upon me. In spite of the foregoing, the instructions were delivered to him, to show our deference for all that

is compatible with duty. And what has it availed him? Nothing; because of necessity he has applied to the Political Chief to sustain their execution with his authority and orders. This is a fact which Señor Híjar cannot deny.

"The seventh proposition comprises various petitions which the Most Excellent Deputation deems proper to address to the Supreme Government, and I should have nothing to say about them; but as it appears that the revocation of the instructions, in so much as deprives the Indians of their property is prayed for, I believe it my duty to declare that this idea would only originate in some mistake, or in the different conception that we have formed concerning the property of the Missions. The Government, far from depriving the natives, commands me to make them proprietors, and give them possessions which, up to the present time, they have not had; they were going to enjoy a real and true good, as soon as I should be in condition to exercise my commission, but you and the Most Excellent Deputation have not deemed it proper; consequently, not upon me will fall the responsibility."

This is a hallucination, Señor Híjar! So soon have you forgotten that you only desired to get control of the property of the Missions, to distribute part among the colonists, and convert the rest into money? Is it not certain that not one word is said in the instructions in favor of the neophytes? Is it not certain that the first article of the said instructions directs you to take possession of all the property belonging to the Missions, using the military force in aid of said possession? Is it not certain that by this article the neophytes were plundered of the property which they have acquired by their personal labor, and which they enjoy in peaceful possession? Is it not certain that in this act is involved a violent spoliation? Will Señor Híjar deny that on the various occasions that we discussed this business, he maintained, that to insure the happiness of the neophytes, it would suffice to give them their liberty, and pay their daily wages regularly to those who should engage in the labors of the Missions? Is it not certain, that in order to relieve himself from the remarks which I made in favor of the property of the neophytes, he answered me that as to anything further, those who solicited land to cultivate, should be regarded as colonists? And he has the boldness to assert with emphasis that he is going to make them proprietors, when he seeks to strip them of the lands and goods which they possess. And is not this to abuse the very meaning of words? Such inconsistencies are the offspring of the heated fancy of the Director of Colonization.

"The eighth proposition is, that the resolution of the Deputation be published. Be it then published, although it is to be regretted that some facts have been misrepresented, and what is more lamentable, to the discredit of the General Government, which we both ought to sustain. Some day the whole of this affair will see the light; all men will be informed of the reasons of both parties. They will compare them and decide."

The day which Señor Híjar predicted has now arrived; the public is about to be informed of these much noised events, and will decide in favor of him who has justice on his side. If to petition the Supreme Government against one of its orders which attacks the Constitution and violates the social guaranties is a discredit to that Government, the fault is not with the inferior authorities who are obliged to make it known, or become themselves accomplices in the violation by executing it without examination. No dishonor can result to the Secretary who signed the order, by revoking it, if he is convinced that it is unconstitutional, because he is not infallible, and may very well have been mistaken.

"I would have desired to know by what accident the decision concerning the delivery of the Political Government came to be mixed up with the special commission of colonization before the most Excellent Deputation; but you have not thought proper to inform me; I would have considered it a great favor, in order to correct mistakes which must have been committed, since in no other manner can I conceive how measures so anarchical, turbulent and widely involving social order could have been adopted."

What does Señor Híjar understand by anarchy? The Spanish dictionary says it is "a condition of things which has no head to govern it." This definition is very badly applied by Señor Híjar in the present case, since the measures Señor Híjar calls anarchical are adopted by the Constitutional Government of the Territory, whose authority is legitimate, as I have proved; the power which it exercised in adopting those measures is a part of its attributions, and their object is to call to order Señor Híjar, who seeks to deviate in contravention of the laws. This Señor Híjar calls anarchical and turbulent measures, which only are so to the extent that the novelty of such strange pretensions caused commotion in the public. "In view, then, of all that has been said, I beg you that listening to the voice of your conscience and of reason, you will be pleased to change your opinion, duty and the laws so requiring, and I hope you will think proper to return me my instructions without the necessity of a new demand—this restoration being in every light just."

I have already shown that the instructions, notwithstanding they belonged to the archives of the Territorial Government, were returned to Señor Híjar, but in nothing else was there any change of opinion; because far from convincing, his vague exclamations provoked a lengthened examination into the laws by which the Government verified its operations and carried them forward. "I conclude with begging you to be pleased to make known to me your last resolution, in order to regulate my ulterior proceedings, and I hope that you will be pleased to excuse the austere languages of a republican who demands the fulfillment of the laws."

It is not to demand the fulfillment of the laws, the language that Señor Híjar has used, for I have proved to him the contrary. The public shall say whether republicans have the right to violate social principles and disobey the authorities.

"After concluding this communication, I have heard of the publication of the resolution of the Most Excellent Deputation, and according to what I observed in the argumentative part of the report of the Committee, the whole ground for not complying with the orders of the General Government consists in considering the instructions with which we are engaged as annexed to the office of Political Chief. You will allow me, for the sake of moderation, not to express the idea which I have formed of so remarkable a mistake. The despatch with which they were transmitted to me, and which you have returned to me, says literally:

"I transmit to you, by order of the Most Excellent Vice President, the instructions by which you are to be governed in the discharge of your commission relative to the colonization of California, and at the same time inform you that the Secretary of the Treasury has given an order to the Commissary General of Jalisco to place at your disposal whatever money he may have received from General Don Joaquin Parres, in order that you may be able to comply with the directions contained in the said instructions."

"Let the children at school be asked if these instructions are directed to any other than the Director of Colonization! My commission extends equally to Lower California, according to the orders which I have, and in that territory I had no political character. It appears then, beyond a doubt, that the special commission was conferred upon me as Director, and not as Political Chief. I have the honor to reiterate to you the assurances of my esteem and distinguished consideration.

"God and Liberty. Monterey, October 23d, 1834.

"JOSE MARIA HÍJAR.

"The Political Chief, General Don JOSE FIGUEROA."

After having filled us with abuse and reproaches, he seeks to make a show of modesty and moderation. In this spirit, he asks that it may be permitted him not to express the idea which he has formed of so remarkable a mistake. If such is his intention, for what purpose does he address us the sarcasm of asking the children at school whether the instructions were given to the Political Chief or to the Director of Colonization? I, on the contrary, appeal to the judgment of sensible men, to say to whom were directed the instructions beginning as follows: "Instructions by which Don José Maria Hijar will regulate his conduct as Political Chief of Upper California and as Director of Colonization in Upper and Lower."

There is nothing peculiar, that in the despatch with which the said instructions were sent, he should be commanded to regulate the discharge of his commission of colonization by them, because this, as I have proved, is inherent in that of Political Chief, with which also he was invested, and by the act of depriving him of that, he was relieved from the other. On this account, the Deputation, advising me that he might go on directing the colony, affixes the condition that he should be subject to the Territorial Government. But the artifice of setting up some authority suited the after views of Señor Hijar, in order to give an appearance of strength to the specious pretensions of his partizans. Such is the foreseeing policy of the Director of Colonization.

I have combated the libel of Señor Hijar with the arms of reason, and although I called upon him to show me the repeal of the laws, ordinances and regulations on which the Territorial Government based its resolutions, I have not obtained the satisfactory answer which I sought. To the truth of this, testify all the persons who were present at the conference. The Señor's Licentiates, Don Luis del Castillo Negrete and Don Rafael Gomez, being requested to state their opinions, both corroborated the view which I had explained, and added arguments, doctrines and laws of much weight, which, coinciding in all things with the conclusion of the Territorial Government, Señors Hijar and Padres were unable so overcome truths so fully demonstrated. Then, feigning to be taken by surprise, or because they really were so, they sought a truce, to reflect and answer satisfactorily, or to admit that they were convinced, and by all means to put an end to controversies so heated and violent. As our object in soliciting the conferences was only to avoid public scandal and animosities, we assured them of our deference in everything compatible with our honor and obligations, and we agreed that we would meet again on the following day, to continue the conference.

So it happened ; but before meeting I received from Señor Hjar this billet :

"At home, October 26th, 1834.

MY GENERAL AND FRIEND : I consider it important that we shall have a secret interview before the meeting. Come, if you can, to this place immediately after breakfast, or designate a point to me. Your most affectionate friend,

"HJAR."

My answer was to present myself before Señor Hjar in the house of Don José Joaquin Gomez, where, in spite of my prayers and entreaties, he had taken lodging two days before,—slighting my friendship and habitation in which I had entertained him ; but making no mention of these occurrences, I offered to serve him in whatever he might find me useful. Then—Oh, fatal moment, how would I blot you from time !—he proposed to me that if I would deliver him the property of the Missions, he would protect my private interests with that property, with the effects which he could command in Mexico and Guadalajara, and with his credit and connections which he would use in my favor in whatever manner best suited my business, and finally, that he would place at my disposal an account for twenty thousand dollars or more, which he would solicit in Mexico or Jalisco, if I so desired, on condition that the Missions should be delivered to him ; that this was accomplished if I was willing to do it, because the Most Excellent Deputation would follow my advise without questioning ; that the cause of its opposition was in my person, because that body was governed only by my will ; that it was in my power to make the fortunes of all. As he interposed friendship and privacy to propose this arrangement to me, I made use of the same confidence to exact of him that he would convince me with justice, as that only could cause me to abandon the resolution which I had formed, because interest is not a legal and decent consideration, nor that which could induce me to be guilty of the baseness of selling the property of innocent people which I believed myself obliged to defend, and I would only deliver it to his disposition by the express order of the Supreme Government, after representing the injury which would be inflicted on the neophytes. We discussed at length their right of property, and Señor Hjar again declared his opinion, maintaining that the neophytes have no right to the lands and other property of the Missions, and that the Government had the power freely to dispose of all as it should deem most suitable ; but all this rests on his word, and nothing more. I maintained the contrary to the best of my ability, and I even dare to assert that I convinced Señor Hjar, but, pledged and highly

compromised, he allowed himself to be absorbed in the chimerical projects which Señor Padres suggested to him, and cared not even for his reputation; and as a last resort, he proposed that the property of the Missions should be delivered to him under the guarantee not to proceed to convert any part into money until the Supreme Government should resolve the question which should be submitted to it on this point; that he would oblige himself formally to comply with this offer, if his proposition was agreed to. After a discussion sufficiently protracted, I promised the said Señor Hajar that if the Deputation acceded to his proposition, I, out of respect for his honor, would make no opposition, provided the property of the neophytes should not be alienated, but that neither would I support his pretensions, because I should have to incur a most notable inconsistency. Thus we ended our secret conference, of which Señor Padres had knowledge, though he took no part in it; and immediately afterwards, we met, to continue what we left pending the day before.

Señor Hajar commenced by making the proposition which I have just stated, but the Vocals of the Deputation and the Licentiates opposed it with convincing reasons which left no ground for its success. Then, as well Señor Hajar as the Adjutant Inspector, Don José Maria Padres, admitted that they were convinced, declaring that the Deputation had acted within the orbit of its powers, and in entire conformity to the laws and resolutions of the Supreme Government; that the instructions, in which only was the authority of Señor Hajar, were not so explicit as they ought to be to remove all doubt, nor had that force which was necessary in such a case, because of their being contradicted by the supreme order of the 25th of July, by which he was deprived of the political command, and in contradiction to various determinations of the Supreme Government; that therefore he did not insist on his pretensions, but was resolved to carry the colony to Old California, where he thought he could more easily establish it, seeing that there his commission as Director of Colonization remained in force without the opposition which in this Territory he had encountered. Señor Padres was of the same opinion—adding, it was certain that the instructions were defective and in a style which necessarily gave rise to many doubts; but that this resulted from the exceeding confidence which they enjoyed with the Most Excellent Vice President of the Republic, who verbally gave them further orders and instructions of great interest which they were to put in practice.

The discussion terminated, and we occupied ourselves with persuading Señor Hajar to remain in this Territory, directing

the colony ; we demonstrated to him the difficulty which there was in transferring it to Old California, for want of resources to sustain it during the return voyage which they must undertake ; the very great political injury which must follow from a bad result to an undertaking directed primarily to this country ; that neither would he have in Old California lands on which to establish it, owing to the arid nature of the soil, nor resources to sustain it, because there the Missions have only a very few cattle, which do not produce even that which is necessary to support the ministers of religious worship ; we made him see that his resolution could only make worse the condition of the colonists, already sufficiently compromised from not having funds to sustain them ; that they would fill that country with calamities by the sudden introduction of so many people, whom it could not maintain without detriment to the inhabitants, who are scarcely able to subsist, at the cost of great toils and watchings ; that, as well from the sterility of the soil as the want of useful hands, there was a scarcity there even of the articles of first necessity of life—articles which were obtained at much expense from the States of Sonora and Sinaloa, and never in quantity as abundant as needed ; that the National Treasury has there less resources to meet the demand upon it than in this Territory, and, in a word, that it was impossible even to move from this point for want of funds and vessels to forward the expedition. We begged him to lay aside his resentment and remain with us in harmony ; to establish the colony which he had brought under his care, and that he should enjoy the four thousand dollars assigned by the Supreme Government, which should be consulted, and a recommendation presented, in order to obtain its approbation, and that we would aid him efficiently in carrying out his enterprise, and in his service would do all compatible with our duty.

Convinced that his idea of removing with the colony to Old California was impracticable, he agreed to all that we proposed, and at once we passed to the consideration of the means which we ought to adopt. In consequence of what we agreed to in the conferences, I addressed the Deputation the following note :

“ POLITICAL GOVERNMENT OF UPPER CALIFORNIA.

“ MOST EXCELLENT SENOR :—I communicated to Señor Don José Maria Hizar the eight propositions adopted by your Excellency on the 22d inst., and he not assenting to them, answered me, as appears in his note of the 23d, the original of which I have the honor to transmit. The exaggeration of the principles with which he pretends to ridicule the attribu-

tions of the Territorial Government might be combatted with the pen victoriously ; but, desirous of preserving harmony and reconciling public and private interests, I thought it most prudent to put an end to the discussion by means of conferences, in order to avoid all animosity and public scandal. Consequently, Señor Don José Maria Hjar came into conference, and after conferring at length upon the diverse points which his note of the 23d embraces, he being convinced of the just foundations on which the Territorial Government rested its determinations, we agreed on the following : 1. That Señor Don José Maria Hjar should exercise the special commission as Director of Colonization, in subjection to the Political Government of the Territory and the laws and regulations established on that subject ; that this should be the true sense of the second proposition approved by the Most Excellent Deputation, because this is the understanding which it had in saying '*the bases which may be adopted for that purpose,*' and therefore authorizes this explanation. 2. That the instructions given by the Supreme Government, which were commanded to be retained, be returned to Señor Hjar, a copy only of them remaining in the archives of the Political Government. That agreeing to all the rest contained in the said eight propositions, he declares his submission, and promises to exercise his special commission until the Supreme Government of the Union determines as it may deem proper. The aforesaid Señor Hjar recommends to the consideration of your Excellency the individuals who have come in his company as teachers, in regard to whom he declares that he received from the Supreme Government a verbal order for their establishment. Be pleased to determine in regard to the foregoing that which you may deem convenient and most just.

"God and Liberty. Monterey, October 29, 1834.

"JOSE FIGUEROA.

"The Most Excellent Deputation of this Territory."

The Deputation, after having heard a committee of its members, approved in session of the 3d November the report and propositions which appear in the following communication :

"POLITICAL GOVERNMENT OF UPPER CALIFORNIA.

"The most Excellent Territorial Deputation was yesterday pleased to approve of the report of the Committee of Government, and to adopt the following propositions :

"MOST EXCELLENT SENOR :—The Committee of Government has examined the communication of the 23d inst., subscribed by José Maria Hjar, in answer to that which the

Political Chief addressed him of the same date, communicating to him the eight propositions adopted by your Excellency on that day. Its contents are a tissue of mistaken opinions, unfounded imputations and gratuitous reproaches against the Territorial Government. The Committee, to vindicate the honor of your Excellency, highly offended, might analyze it at length in order to correct the mistakes and refute the calumnies with which your just proceedings are opposed; but resolved to repeat evidences of moderation, politeness and urbanity, it overlooks the acrimony with which this document abounds, and reposes in the testimony of its conscience and honor. Your Excellency, in advising the measures controverted by Señor Híjar, had in view the laws and regulations which govern the subject; it is of no consequence that he may seek to pervert their genuine meaning,—it is necessary to observe them; let those who are offended thereby make use of their right, and the proper authority shall decide in favor of him who has justice; your Excellency being in authority, complies with your duty in carrying out your orders and explaining those which offer any doubt. Señor Híjar, although he sought to disown your authority, has promised to obey it after, in private conferences with the Political Chief, he learned his mistake; this is a tacit confession of his error, and proves his conviction. The disputes which have so much occupied us being terminated in this manner, we ought to make all public scandal cease, and bury in silence all personal resentment. The superior authority will make the proper elucidation, and results will justify our proceedings. The individuals who compose this body are republicans as well as Señor Híjar; they use, as well as he, an austere language, but they abstain from insults and abuse; they might use this just reprisal, but they profess principles of liberty, moderation and tolerance; the only rule of their conduct ought to be the laws and the orders of legitimately constituted authorities. It is satisfied that it has not exceeded the limits of its functions, nor usurped powers which the laws do not confer upon it. Thus much being said, the Committee presents to your deliberation the following propositions: 1. To explain the true meaning of the second proposition approved on the 22d inst., for the words ‘and the bases which the Deputation may adopt for that purpose,’ shall be substituted the following: ‘and to the laws and regulations established on that subject.’ 2. That the instructions given by the Supreme Government be returned to Señor Híjar, a copy of them only remaining in the power of the Political Chief. 3. That assuming the acquiescence of Señor Híjar in all the rest resolved by the Deputation on the

22d inst., the present report and the foregoing propositions be inclosed to him, that he may say in writing whether or not he acquiesces in all that has been resolved by the Territorial Government. In the first case the Political Chief will command that his salary of four thousand dollars be allowed him, and will report to the Supreme Government for its approbation.

"The Political Chief is authorized to resolve according to the laws, any doubt referring to this resolution and that of the 22d of October, in all cases in which it belongs to the Deputation to interpose.

"I have the honor to transcribe this report for your information, with the object therein expressed, and as an answer to your note of the 23d of October last past, to enclose you the instructions given by the Supreme Government. I will be obliged to you if any doubt should occur to you, or you have any objection to make, to take the trouble to confer with me first upon such point, that we may agree as to the means most prudent to be adopted, or the measures which on my part it may be proper to take. If there should be no further difference in our opinions, be pleased to make it known to me that I may enjoy that pleasure. With these sentiments I repeat to you the assurances of my true esteem and consideration.

"God and Liberty. Monterey, November 4, 1834.

"JOSE FIGUEROA.

"Señor Don JOSE MARIA HIJAR, Director of Colonization."

Señor Hjar answered with the following communication :

"I have noted the contents of your note dated the 4th instant, in which you inclose me the resolution of the most Excellent Territorial Deputation upon my communication of the 23d ultimo, and consider any discussion on the points of which we have treated, useless, seeing that we are not agreed as to the manner of viewing things; only you will permit me to correct one mistake. It is asserted in the argumentative part of the report enclosed me, that I sought to disown the authority of the most Excellent Deputation. Never have I had such a pretension; that which I have done is to deny its power to set itself above the laws, but this is not to deny its authority. I entertain the greatest respect for legitimate authorities and know how to conduct myself when these exceed their bounds. I believe I have fallen into no mistake, as is asserted. In the conferences which are referred to, were only alleged reasons of convenience, philanthropy and humanity towards the natives; but no express power to act in the manner which was resolved on. There is no law, and

consequently no right that you and the Deputation should have determined as you have done; this is my opinion; and if some Spanish laws have been cited they are repealed by our own, because repugnant to the system of Government. In the third proposition which is inclosed to me, I am required to say whether or not I acquiesce in the resolution of the Supreme Government, and in the first ease that four thousand dollars should be assigned me as salary. It has been a source of regret to me that the most Excellent Deputation should have formed so low an opinion of me, and that perhaps it believes that interest could induce me to give assent to all it has resolved. No, Señor, no; not only do I not acquiesce, but I protest against the determinations of yourself and the Deputation in everything, in which the laws and orders of the General Government are attacked, as I have declared in my communication of the 23d. The discussions in which we have been engaged being ended, it only remains for me to declare to you that I am resolved to continue with the colony until its establishment at the point which the Government desires, for the following reasons: 1. The private affections of the families which compose the colony have decided, them, to share my lot and follow me; consequently, if I had desired to abandon them, the colony would have proved a failure, with serious injury to individuals. 2. If the colony should be unfortunate it would be a discredit to the Government, because it would be believed that it is incapable of undertakings of this nature; that it had torn these families from their country to bring them to another and remote, there to abandon them; and finally, it would never be able to induce any man to leave his home and go out to colonize. 3. The desires of the Government would remain unfulfilled, the important frontier of the North, threatened by the Russians and Anglo-Americans, would remain uncovered, and the great expenditures which have been made upon this colony would be lost. All these considerations, Señor General, have decided me to waive my resentments and outraged self-respect to preserve the national honor and interest, and to secure the well-being of the families which were entrusted to me. I have not been able to resist the tears of gratitude which oftentimes the companions of my journey have shed in my presence; I have resolved, and I am decided to sacrifice all, although the ungrateful Government which has so wantonly outraged me, should not recompense me. I go, then, to establish the colony, and if necessary, to take the spade for my subsistence; but there will remain to me the pleasure of having done the duty of a good citizen, sustaining the national honor and striving for

the happiness of the families committed to me. I conclude, then, hoping that you will perform your promise, that nothing shall be wanting of what the Government promised the colonists, and I rely upon your probity that all shall be done with due punctuality and fitness, so that no colonist shall have ground to complain. The instructions are in my possession which you sent me with your note, to which I have the honor to reply, with assurances of my regard and distinguished consideration.

"God and Liberty. Monterey, November 6, 1834.

"JOSE MARIA DE HIJAR.

"Señor Political Chief, General Don JOSE FIGUEROA."

Señor Hjar persists in various errors, which I have demonstrated and combatted. I omit, therefore, to answer at length his opinions expressed in this last communication, in which it will be seen that this gentleman always understands things differently from the rest of men. He says that he knows how he should conduct himself when the authorities exceed their powers, and it is useless to point out to him the faults with which his writings abound. Let us leave to time to undeceive him, while we follow the course of events. Observe the importance which he seeks to give to his person, even against the Supreme Government, for having removed him from the office of Political Chief, which it had conferred upon him; he cannot conceal his resentment, notwithstanding those solemn protestations of sacrificing himself in the service of the colony and for the national honor. Would that his acts had corresponded with his words!

The Territorial Government, gratified at having amicably arranged this business, was public in its gratulations, and paid to Señor Hjar the suitable attentions of friendship. Animated by the best feelings, it accorded various measures of assistance to Señor Hjar in establishing the colony.

The half of this was at San Gabriel and San Luis Rey, two hundred leagues distant from San Francisco Solano, which is the nearest point to that they were to occupy; its transportation was undertaken, overcoming many obstacles, and at a heavy expense to the nation, caused by its disembarkation at San Diego; but, finally, the orders of the Supreme Government were going on to be fulfilled, and to this end the study of the Territorial Government was devoted.

When it was engaged with most enthusiasm in these objects, it received notice that the First Lieutenant of the National Navy, Don Buenaventura Araujo, had called together an assemblage of the unchristianized savages, (the Cahuillas,) who attacked the Rancho of San Bernardino, belonging to the

Mission of San Gabriel, and committed various robberies and other excesses. For this cause a party of twenty armed men was detached to observe them, and if necessary to bring them to order; but the insolence with which these unfortunate creatures had been inspired gave them the boldness to attack the said party, and it was necessary to beat them. Don Francisco Berduco, one of the colonists, at the same time sought to induce the neophytes of San Luis Rey to surprise a small detachment stationed there; the project was discovered and frustrated. The Cahuillas repeated their attack upon the same Rancho of San Bernardino, where they committed various assassinations and robberies of importance. A party of fifty men went out in pursuit of them, and chastised their insolence with the death of some who showed front. Don Romualdo Lara, another colonist, who accompanied Señor Hijar in his journey from San Diego to Monterey, endeavored, in the various Missions through which he passed to seduce the neophytes and attach them to his party; this appears from the diary which he wrote himself, and which came to my hands by an accident. All of these attempts inspired the Government with a natural distrust of their authors, but it was content to dictate certain precautionary measures to avoid a disturbance, without even proceeding against the instigators, believing them capable of listening to the voice of reason, and desisting. The contrary happened in everything. They labored privately to place Señor Hijar by force at the head of the Political Government, and under his auspices to dispose of the property of the Missions.

From a distance I beheld the storm which must burst upon my head, but could not allay it without exposing myself to the biting censure of my antagonists, who only shelter themselves behind the laws to insult the authorities with impunity.

Don José Maria Padres, who at the moment of his disembarkation desired that I would deliver him the military command, in virtue of the Supreme Order of the 12th of July, 1833; who, on my rejection of this pretention, declared that he would not discharge his office of Adjutant Inspeetor, because he did not wish to depend on the Military Government, and because it was incompatible with his commission, as Sub-Director of the Colony, solicited, after a few days, that I would make him Commandant of the Northern Frontier. This versatility of thoughts so inconsistent, induced me to distrust his person, and I denied his request. This insubordinate officer, from before his arrival, boasted of coming, as he said, at the head of an armed force; all the world knows that he brought two hundred rifles and a considerable stock of munitions of war, and, far from complying

with his obligation to give me notice of this armament, whether as Commanding General or Political Chief, he endeavored to conceal it from me; he commanded the colonists that no one should present himself to me, nor confer with me personally about anything, as with him only they were to advise. I had observed that he held a commanding influence over the mind of Señor Híjar, and inclined him to whatever he desired. All this, his known propensity to disorder, the interest which he formerly had in diverting the property of the Missions, the manœuvres and intrigues which he made use of that the Deputation should disobey the order of the Supreme Government, and other considerations, which it would take too long to mention, induced me to believe that Padres was the prime mover of all the conspiracies, and that I ought to observe his conduct with the greatest care. The order which Padres relies on, in order that the Commandancy General should be delivered to him, I will insert in continuation, that the public may see whether or not it is an order as positive as necessary to meet the wishes of the said Padres.

“OFFICE OF THE SECRETARY OF WAR AND MARINE.

SEC. 9. Under this date I say to the Adjutant Inspector Don José Maria Padres the following:

“MOST EXCELLENT SENOR:—The Vice President, in exercise of the supreme executive power, has been pleased to command you to proceed to the Territory of Upper California for the purpose of taking charge of that Commandancy General, in the event that General Don José Figueroa should continue ill and wish to retire. I communicate this to you by the same superior order for your fulfillment and appropriate ends. I have the honor to transcribe the above for your information and for the object expressed, so that if from your illness it should be agreeable to you to remove to this Capital you may do so.

“God and Liberty. Mexico, July 12th 1833.

“HERRERA.

“Señor Commandant General, Upper California, GENERAL-
Don JOSE FIGUEROA.”

Notwithstanding what had happened up to that time, I took the utmost pains to unite and establish the colony at the cost of great sacrifices and suffering, because of the Directors having divided it into two parts; but the more I exerted myself in its favor the more the brokers devoted themselves to promoting disorder and preparing a revolution which was to remove me from the Political Government and put Señor Híjar in my place.

To this end were directed all the manœuvres of Don José Maria Padres, Don Francisco Berdusco, Don Francisco Torres, and Don Romualdo Lara, which personages played the principal part in the drama. It is now understood that each one had his satellites and that all were conspiring with the same object. Thus it is that from various points I received information that the colony was attempting a conspiracy against the Government, as was said by many of its members. Under date of the 18th of January and 12th of February of this year, two different persons worthy of credit, communicate to me from the Mission of San Antonio the project of conspiracy as certain. Various individuals of the colony itself secretly disclosed to me the disorders, upon which it was desired to precipitate them: others asked to separate from the company, feigning various pretexts. Sedition was attempted in different manners at various points of the Territory, and in the Capital itself, where the most important combinations were made. In this state of affairs Señor Hizar exhibited a passive conduct and a simulated indifference, which repelled suspicion from him; but the principal agents of the revolution made court to him; with them only he consulted about his affairs; they only enjoyed his fullest confidence, and it is almost impossible that he should be ignorant of the projects which they were to execute under his auspices and in his name.

When I could no longer doubt the resolution which they had taken, grounds of vehement suspicions which coincided with the seditious plans, daily presented themselves. Then the winter season, which embarrasses every occupation, conspired against the unfortunate colonists, who, accustomed to a more benignant temperature, were scarcely able to endure the rigor of the season, and under these circumstances they were obliged to travel great distances and double their sufferings without other object than to unite for the purpose of subverting social order, after they had sacrificed the interests of the nation in useless expenses. These results were occasioned by the ignorance or wickedness of the Directors of the colony, because they never considered the comfort of the colony nor the convenience of the nation nor the end of an enterprise worthy of better results. They directed everything without more foresight than the fantastic dreams of Don José Maria Padres and his unbridled avarice to possess himself of the property of the Missions; but such is the blindness of the passions that it appears that all surrendered themselves to the guidance of his inspirations, and this man, infatuated with his arrogant presumption, sought to fill the place of Minerva. Behold! the mentor of the colony whose judgment governed all the rest!

The colonists had arrived; some at San Francisco Solano, and others on the way, occupied different points. A pueblo about to be founded requires strong arms and laborious; men accustomed to the labors of the field and to a plain and frugal life; the colony directed by Señors Hajar and Padres is composed in the majority of delicate persons worthy of a better fate. They are families torn suddenly from the court where they were born and educated in the midst of pleasures and opulence. Small as may have been their fortunes in Mexico, they had established a system of life in accordance with their strength, their character, their inclinations, their customs, their disposition and their taste; in proportion to their industry and their connections they enjoyed comfort and pleasures which it would be difficult for them to obtain elsewhere. Many professed some mechanic or liberal art, which in Mexico would produce them some revenue, but in California is useless to them. Witness the tanners, silversmiths, lace-makers, embroiderers, painters, &c., &c.; compare the difference between using the instruments of these arts and handling the plough, the pick, the axe and the other instruments with which the fields are cultivated: the difference between working within doors, sheltered from the sun, the winds and the water, and laboring in the field subject to the exposure and accidents of a life full of privations, discomforts and dangers. Was it possible that girls, women, and delicate youths, to whom the roads where they were traveling, was the only country that ever they had beheld—was it possible, I repeat, that these people could overcome the fatigues, the difficulties, the privations, the necessities and the accumulation of difficulties, and accidents incident to attempting new settlements? Let them answer for me themselves, and impartial men will justify the measures of the Territorial Government in preventing the sufferings of the colonists, and delivering them from the painful position to which their Directors were conducting them to make their lot the more unfortunate.

There is no doubt that the colony recruited by Señor Padres lacks the qualities which constitute a good colony, not from any fault of the individuals, but from the ignorance and malice of the Directors, who only sought in the enterprise a pretext to enrich themselves, to the detriment of the neophytes of the Missions of California and of the unfortunate colonists who allowed themselves to be deceived with false promises and fantastic pictures of prosperity, with which they beguiled them in order to induce them to come to this country.—Many individuals arrived with the belief that they could freely dispose of the horses and cattle which they needed,

without other requisite than to take them in the fields where property was in common ; others anxiously inquired for the shores where they could kill with a stick as many otters as they wanted ; others looked for the pearl beds where they might fill their pockets ; others in fine, believed themselves owners of the estates and most important buildings which had been offered to them. These were the abject means that Señor Padres made use of, to inveigle the families who were to serve as a cover to his iniquitous views. These events have just passed ; I speak before the actors themselves ; they will contradict me if I do not speak the truth.

Since then the colony by its intrinsic unfitness, was not capable of founding a new pueblo, which was the political object of the Supreme Government, in order to cover the northern frontier from foreign aggressions ; as the political faith of the Directors was in open conflict with the wholesome principles of every well regulated society : as its projects of subversion must cause a positive evil to the generality of the inhabitants ; as the Political Chief was blamed for the wants, privations and labors which the colonists suffered : as these could not even suffer with resignation, because they were daily excited to revenge imaginary injuries as indemnity for their sufferings ; as for the purpose of exciting their anger, the absurd communication with which Señor Híjar replied to me on the 23rd of October, was read to them daily in San Francisco Solano, upon whose contents long commentaries were made by the mentor of the colony, who generally concluded by vomiting insults against my person, and invectives worthy of his consequential arrogance. All these elements were so many combustibles prepared for the general conflagration. I saw them plainly and beheld with serenity the approach of the explosion. No one will believe that under such circumstances, I merely kept myself on the defensive, and so remained from the month of September, when the expedition reached the Territory, until the month of March, when they pulled off the mask and compelled me to take the offensive.

As the summer approached, the time in which they were to have consummated the work of regeneration which they had projected, they pretended to be occupied with matters entirely different. Don Francisco Torres held out that he was going to Mexico in the service of Señor Híjar, who did not think proper to communicate to me the object of this journey as he ought to have done, as no colonist ought to be separated from the colony without a full knowledge of the reason by the Political Chief. Notwithstanding this, I gave him his passport without making any objection, knowing that

the true object of his journey, was go to Los Angeles on the pretext of seeking passage in some vessel, and there to create a revolution. Accident presented to him a Spaniard, Don Antonio Apalategui, a man naturally restless, without anything to lose, fond of all sorts of revolutions, to whom I had refused an office which he sought, and who was on the lookout for some good fortune. Thus it is that he entered readily into the schemes of Torres, and they travelled together from this capital.

Señor Hajar determined to proceed to San Francisco Solano in company with Berdusco, Lara, and Araujo, to join Padres and the colony, which was still scattered, because of the various obstacles which opposed their progress. The true object of this meeting was the revolution; but Señor Hajar pretended to be ignorant of it. I gave him some hints to induce him to avoid the disturbance and the consequences which every revolution brings with it; but he would not understand, and on the contrary, declared to me that he was resolved to return to Mexico, and that so soon as he could arrange with Padres the business and accounts of the colony, he would commence his journey. Under this pretext he set out for San Francisco Solano at the end of February. I proceeded in the same direction without other object than to observe his conduct and discover his plans. We met in San Francisco de Assis, where we had a conference, and I explained to him that his followers and friends sought to involve him, for the purpose of bringing contempt upon the Government, and particularly on me; that I was well informed through various channels of the plans in which they were engaged; that very soon the revolution was to burst out; that I must necessarily defend myself, and perhaps might have to take precautions that would be painful to him. I showed him who were the principal movers and made him see what evils they were going to inflict upon the Territory, and that it was in his power to prevent it all if he so desired, out of regard for the peace and for his own reputation. I assured him that all should remain in silence if they kept quiet, for I was neither in pursuit of them nor afraid of them. But whether he believed the triumph certain, or out of contempt for my offers, he exhibited towards me the same coldness and indifference with which he was accustomed to look upon the most important affairs. Then I saw myself compelled to prevent the union of the colony, in order to restrain it from the revolution to which they invited it; because many individuals had so requested in order to prevent their ruin which was inevitable if they submitted to the caprice of the Directors, who sought even to monopolize their personal labor under the pretext

of the Cosmopolitan Company, because they had done nothing useful nor could do, from their physical inhapacity as I have shown ; and above all because I had no disposable fund to pay their wages as Señor Hjar requested. I adopted the means of leaving them at liberty to establish themselves in the place that might suit them best for undertating any employment by which to subsist ; so it appears from the correspondence which took place and which is as follows :

"I am about to pass to San Francisco Solano for the purpose of fixing the point where the colony is to be established ; but you having declared to me in various private conferences that it is impossible to make good to the colonists all which the Supreme Government offered them when contracting with them in their country to come to this Territory, I will thank you to be pleased to say to me definitively whether the Government is able or not to comply with its promise, so that I may regulate my proceedings and make the colonists pass to the point in which they are to be established if the Government should furnish the resources offered ; or in the event that this cannot be, to tell them so, in order that they may determine as to them seems best, if so be that the Government shoul fail in the conditions of the contract which it made with the families who were entrusted to me, and which I have the grief to see overwhelmed with want. I think it useless to declare to you the evils which would result from disbanding the colony which has cost the Supreme Government so much expense and toil, the political results which it must cause, and in which the honor of the General Government is interested in so unequivocal a manner. You know as well as I the consequences of this step, and I hope from your prudence that you will decide in the best manner possible, without losing sight of your political influence, the honor of the Supreme Government, the individual interest of the colonists, and the public interest of the Territory."

"God and liberty. San Francisco de Assis, March 1st, 1835.

JOSE MARIA DE HIJAR

"Señor Political Chief, General Don JOSE FIGUEROA."

"POLITICAL GOVERNMENT OF UPPER CALIFORNIA.

"The Supreme Federal Government has given me no directions in regard to the colony. The instructions given to yourself when you were appointed Political Chief are the only documents which evidences the orders issued on this subject ; that document is in your possession ; true it is that it contains the Supreme order to take the property of the Missions and appropriate it to the colony, but in this order the property of the Indians is attacked, and as I have

shown you in various conferences, it is unconstitutional: so I have represented to superior authority, and so, more particularly be seen in the 112th article, restriction 3d, of the Federal Constitution, which says thus: 'The President shall have no power to take the property of any individual or corporation, nor disturb him in the possession, use, or enjoyment of it, and if in any case it should be necessary for an object of known general utility to take the property of an individual or corporation, he shall have no power to do so without the previous approbation of the Senate, and in its recess, of the Council of Government, making always such compensation to the person interested as may be determined by arbitrators to be chosen by him and by the Government.' This is the foundation on which the Territorial Government has rested the defence of the property of the Missions which has always been recognized as belonging to the neophytes in them; but in the face of such serious inconveniences, and under solemn protest to reclaim proper indemnity it adopted a resolution to furnish the colony all the assistance necessary for its establishment and maintenance, since it never believed it just to abandon to their fate so many persons worthy of esteem and respect, nor has it beheld their sufferings with indifference. To you it is known that in conformity with the resolution of the Most Excellent Territorial Deputation of the 22d October last, I commanded to be placed at your disposition, all the articles which you yourself estimated for its establishment and maintenance; it is known to you that some only have been delivered, and that the greater part are still wanting; that as well the season as the scarcity of resources of every kind, hinders or paralyzes the undertaking; that I find myself surrounded with difficulties, and that what with the secularization of the Missions and other complicated affairs, my orders in regard to the colony are frustrated at every step; that the burdens lately imposed upon the property of the Missions and the losses which they suffer in consequence of the innovations which are put in practice, are so many obstacles which cripple the resources on which I rely. I have shown you the communications which I have received from the Commissioners of the Missions in relation to the aids which they ought to furnish the colony, and in them are expressed various irremediable deficiencies. All these embarrassments I am resolved to overcome as far as I possibly can, and with this object I have promised you to omit neither labor nor diligence; but the demands are multiplied to such a degree that it is not possible to meet them without very great injury to the public; because the notorious decadence in which the Missions now are; the great debts which they have con-

tracted and which must be met out of their effects in hand ; the emancipation of the native families, who now exceed twenty thousand persons, who are to be furnished with property for their establishment and maintenance ; the heavy burdens lately imposed for the support of ministers, and the salaries of teachers, mayor-domos and other employés who formerly did not exist ; payment of the wages of laborers who are employed in the preservation of their estates : all, all, weigh upon the prosperity of the natives and conspire to its speedy destruction without the power of fulfilling completely all demands. Notwithstanding all that I have here disclosed, I repeat to you that I will make all the efforts which may be necessary to supply the colony with the means necessary for its subsistence ; but I cannot promise to pay with punctuality its daily stipend, because there is no money nor is it easy to get it ; nor is it possible to discharge in a short time with any other articles, the sum of thirty-five thousand dollars or more without bankrupting the Missions. In consideration of all the foregoing, because many individuals of the colony have petitioned me orally and in writing to permit them to settle wherever was most convenient ; because it is notorious that the majority of the individuals who form the colony, although very worthy and useful in various occupations, are not so in the field, to which they have not been accustomed ; because more than six months are passed, and it has not been established nor any useful labor undertaken ; because Señor Don José Maria Padres, without your knowledge nor that of this Government, is uniting with the colony persons already established in the country, from which results only an increase of expense ; because the transportation of cattle and other effects to the other side of the Bay of San Francisco must be very expensive and tedious, besides the losses which must be occasioned thereby ; because it is very difficult to concentrate at one point all the appurtenances of the colony ; because there exists among the colonists a general disgust, which may degenerate into disorder if their suffering is aggravated ; and above all, because you have declared to me your intention to abandon the direction of the colony, in which view you have already petitioned the Supreme Government, and think of retiring to Lower California to await its orders : all this induced me to study some conciliatory measure and I proposed to you that in my opinion it is suitable to leave the colonists to settle in the place which they find most convenient, in order, that by their industry and trades, united with the assistance which the Government gives them, they might be able to lead a more comfortable life, the most laborious acquiring advantages which otherwise they are not able to obtain. In

this, I not only consult the comfort and taste of the families, but the resources of the public treasury, the general tranquillity of the territory, the greater facility in forwarding aid to the colonists, and the leaving them at liberty so that they can employ themselves usefully in their callings; for in this way only can I contribute to the reduction of their sufferings, fulfilling at the same time, what the Government has promised them. They in my opinion, can thus be more useful and beneficial to society than they could be in the rugged labors of the fields.

"Notwithstanding this, if any or all of the colonists freely and cheerfully desire to establish themselves on the frontier, you are at liberty to choose whatever place may suit you, and I will aid you there with all the resources in my power. National honor, the prosperity of the Government and the public convenience, are satisfied by the measure suggested. The colonists will be furnished with their supplies proportionally, and perhaps with less delay and less burden to the treasury, and more to their satisfaction. I have thought much upon this business, and experience daily convinces me that there is no other remedy more adapted to our circumstances, or which can better reconcile private interests, with those of the public. This is my opinion, and I would be glad that the colonists should be informed of it that they may choose as they think best, with the assurance, that in their service, I will with pleasure, as I have heretofore proven, give my care and ability to furnishing them with whatever supplies may be at my disposal; since the scarcity from which some have suffered is due to the obstacles of the weather, the exhausted state of the treasury, or some other accident. But you and Señor Padres are satisfied of the frankness and equity with which the national effects have been divided among all, and the cheerfulness with which I have commanded all the petitions which they have addressed me, to be complied with.

"In consequence of your urgency and my offers, I send you of this date, the proper orders to receive and distribute to the colony two thousand dollars, in such effects as may be required, there being no money, all which I have the honor to submit in reply to your note of yesterday, which treats of this subject."

"God and Liberty. San Francisco de Assis, March 2, 1835.
JOSE FIGUEROA.

"Diretor of Colonization, D. JOSE MARIA DE HIJAR."

"The expedient which you propose to me of leaving the colonists free to settle wherever may suit them best, will not

protect my responsibility ; and if the Supreme Government is able to fulfill the promise which it made with them, they must pass to the place which that Government designated in order to accomplish the object which was intended ; because merely to leave four or six persons more in one of the settled places of the Territory, it never would have undertaken the heavy expenses which have been incurred. You must be convinced that a policy which tends, among other things, to preserve the integrity of the Territory of the Republic, was the motive which induced the Government to make extraordinary sacrifices in the midst of pressing difficulties. If the Supreme Government is able to comply with its promise, the colonists cannot complain that they have to pass to an unsettled place, because it was contracted to carry them to such point as might be suitable. For this cause and that the fate of the colony now depends altogether upon your action, I entreat you to tell me positively, whether the Supreme Government is in condition to carry out its contract, or whether, as you have frequently declared to me, it will be impossible for it to fulfill its promise. With this positive answer, I believe my responsibility will be saved, and then the colonists will remain where they like, and receive their daily stipend wherever it may be convenient. You know very well that the assessment made upon the Missions, upon my petition for the colony, has not been satisfied, except to a small amount, and this it will be difficult to collect, on account of the obstacles which are interposed. Although you have issued your orders to aid the colony, it is a fact that they have been obeyed only very partially. In every direction, embarrassments which have impeded the establishment of the colony, present themselves, and difficulties which have obliged you to order the colonists to winter, distributed among the Missions, where being transient persons, they have as yet been unable to undertake any kind of labor. Every thing, Señor General, indicates that it is necessary to take a definitive course, and I would desire you to tell me positively, to leave the colonists wherever may suit them, in order that each one may apply himself to that he thinks best, reckoning only on the assistance which may conveniently be furnished them as you propose, and not upon that which by contract is due them. In this way the colonists will be relieved of a distressing uncertainty, and I will save my responsibility. If after some days, it is to be said that there is no means of fulfilling the promise, it is better to do so now, and fewer ills will be caused to the unfortunates who accompanied me. It will be well that you should know that the colonists cannot demand money absolutely, because from Mexico it was told them that

it was very scarce here, but that they would be compensated with equivalent values. I will conclude with saying to you, that if Señor Padres has received as colonists, any individuals resident in the country, it is no burden on the public funds, because lands only will be given them, and nothing else of that which was offered to those engaged in the interior. I will also add, that although I may be separated from the colony, as I have solicited of the Supreme Government, this ought to have no influence whatever upon its future fate, and still less upon the objects which Government proposed in sending it. All which I have believed it proper to say to you in answer to your note of yesterday, without entering into the discussion as to the property of the funds, out of which the colony should be assisted, because of its not being a matter which concerns me."

"God and Liberty. San Francisco de Assis, March 3, 1835.

"JOSE MARIA DE HIJAR.

"Señor Political Chief, General Don JOSE FIGUEROA."

"POLITICAL GOVERNMENT OF UPPER CALIFORNIA.

"On many occasions I have explained to you the difficulty which exists of meeting in full the expenses which are necessary to be incurred in the establishment of the colony for want of funds, and because the expenses are multiplied daily at the same time that the resources are notably diminished by causes which it is not in my power to avoid. For this reason I have believed it necessary to leave the Colonists at liberty to establish themselves wherever suited them best, to the end, that aided by their industry and that which may conveniently be furnished them, they may be able to subsist without want. You have experienced the difficulties, and are convinced that it is impossible to carry out the undertaking; but as to cover your responsibility you exact of me in your note of yesterday a positive decision. I announce to you that it is not possible to furnish completely all promised by the Supreme Government to the colony, because the means placed at my disposition do not suffice. I therefore command that the colonists be free to establish themselves within the limits of the Territory in the place which each one may find agreeable, where they shall be assisted in proportion to the means which may be in my power. I have the honor to say this to you in reply to your said note, and to beg you to be pleased to communicate to me any resolution that you may take, for my future guidance.

"God and Liberty. San Francisco de Assis, March 4, 1835.

"JOSE FIGUEROA.

"Señor Director of Colonization, Don JOSE MARIA HIJAR."

In spite of the perfidy with which I was treated I sought to endure my suffering and to aid the colony in every way possible; thus it is that I molested no one nor charged any with his crimes, in the hope that they would recede from their extravagant pretensions. With this resolution I retired after placing two thousand dollars at the disposition of Señor Híjar, for the purpose of securing the colony. I tarried a few days in the Missions of Santa Clara and San Juan Bautista, making investigations in order to complete the discovery of the heads of the revolution. I was making great progress up to the 13th of March, when I received by express information that in the Pueblo of Los Angeles there had been a revolutionary pronunciamiento directed by Juan Gallardo, at the head of fifty adventurers from the State of Sonora—that they were seduced and compromised by Don Francisco Torres and Don Antonio Apalategui under different pretexts and deceptions; but endeavoring to exonerate themselves they exposed with what depravity and cunning these had acted, and the insurgents with their own hands delivered them to the Alcalde, that he might judge them according to law, protesting that they were obedient to the Government in whose name they had been called together by Torres and Apalategui; that therefore they delivered them to the authorities before whom they promised to lay down the arms which they had taken up unadvisedly, and not to disturb the public order again under any pretext. The Ayuntamiento of said Pueblo of Los Angeles forwarded me the report and plan, the tenor of which is as follows:

“OFFICE OF THE SECRETARY OF THE ILLUSTRIOUS }
AYUNTAMIENTO OF THE PUEBLO OF LOS ANGELES. }

“A mob of Sonorians pronounced at daylight this morning for the plan, of which I have the honor to send you a copy; considered in its essence and placed in its true light, it contains nothing but private views, none of which have been foreign to the consideration of this Illustrous Ayuntamiento. It prudently determined to meet in extraordinary assembly, of which session likewise I forward you a copy. It seemed very strange to the generality of this Pueblo that a multitude of Sonorians, for private ends, should think of deranging the order of things established in this Territory. It is true that in the sixth article of the said plan it is seen that the insurgents promise submission and obedience to the laws, whilst they contradict themselves in the same, saying that they will not lay down their arms until they see their intentions realized; they call themselves protectors of the laws which they only have infringed; they proclaim order

and have made use of violence even to surprising a Regidor, who had the key of the Juscado, for the purpose of taking the arms and accoutrements which then were in it. Between the critical extremes of repelling this force without having the means of contending with it or of yielding to the object of the insurgents. it was necessary to take mean which is that which is seen in the resolution which the Corporation adopted in their second meeting. In conclusion, the insurgents remained in arms until three in the evening, and the same person who appeared to be the agent of the party, Don Juan Gallardo, conducted the Spaniard Don Antonio Apalategui and Don Francisco Torres prisoners to the Juscado, and presented to Don Felipe Castillo the statement of which I send you a copy. The said Apalategui and Torres were placed in safe custody, and proper proceedings are being instituted. I have the honor to assure you in the name of this Illustrious Corporation, of my sentiments of esteem and respect.

"God and Liberty. Pueblo of Los Angeles, March 7, 1835.
"FRANCISCO J. ALVARADO.

"MANUEL ARZAGO, Secretary Señor Superior Political Chief of Upper California."

"In the Pueblo of our Lady of the Angles, on the 7th day of March, eighteen hundred and thirty-five, a multitude of citizens having assembled for the purpose of adopting the measures most suitable for saving the Territory of Upper California from the evils which it has suffered and is suffering from the administration of General Don José Figueroa, and considering: First, That this Chief has not complied with various orders which the supreme Government of the Union has directed to him for the purpose of bettering the condition of the inhabitants of this country; that abusing its submissiveness he has exceeded the limits of the powers which the laws grant him, assuming improperly the Political and Military functions, contrary to the system of federation, and contrary to the express laws which prohibit the union of these powers; that with the law of secularization of the Missions, he has made a scandalous monopoly, reducing their products or fruits to an exclusive commerce, and deceiving the good faith of the Territorial Deputation into regulating a general law according to his caprice; that violating the regulation of commissaries, he disposes of the property of the soldier at his pleasure, without the proper permission of the head of that service, and without the formalities which diverse laws and regulations establish for such cases. Second, That the Territorial Deputation, not having the power to reg-

ulate or make additions to a general law as it has done with this of secularization of the Missions. Third, That the Missions, going as they are now going, with gigantic steps to their total ruin, through the startling measures which have been adopted for confining the natives and the corresponding division of their property; and, Fourth, That some Commissioners, either through utter ignorance of the management of business of this sort, or a wicked design to enhance their private interests, are ruining the property of the Missions, with very great injury to the natives, who have acquired it by their labor: have agreed and resolved as follows:

"ART. 1. General Don José Figueroa is declared unworthy of the public confidence. Consequently the First Constitutional Alcalde of the capital shall take charge provisionally of the political command of the Territory, and Captain Don Pablo de la Portilla as the oldest officer and of the highest rank, of the military, in conformity with the general ordinance of the army. 2. The resolutions of the Territorial Deputation in regard to the regulations which it has adopted for the administration of the Missions are declared null and void, and of no force and effect. 3. The very Reverend Missionary Fathers shall take exclusive charge of the temporalities of the respective Missions as they have heretofore done, and the Commissioners shall deliver the documents relating to their administration to the said fathers, who shall make the proper observations. 4. The foregoing article shall not interfere with the powers of the Director of Colonization in acting in conformity with the instructions which the Supreme Government gave him. 5. The present plan is subject in all respects to the approbation of the General Government. 6. The forces pronouncing will not lay down their arms until they see the foregoing articles realized, and they constitute themselves protectors of the true administration of justice and its officers. (Here the signatures.)

"Angeles, March 7th, 1835.

[A COPY.]

"JUAN GALLARDO.

"Angeles, March 7th, 1835.

[A COPY.]

"MANUEL ARZAJA, Secretary."

This defamatory libel has no other foundation than calumny. If Torres and Apalategue were not so base and cowardly as to deny the authorship of the plan, I would have sued them for damages as false calumniators acting separately from the criminal proceedings against them for conspiracy, disturbance of the public order and sedition. But as I am not able to make use of the means which the law allows me to punish the insolence of these miserable creatures, I will denounce them before the inexorable tribunal of public opinion, contradict-

ing with the language of truth the catalogue of lies which they have stamped on their despicable farago. First they assert that a multitude of citizens assembled for the purpose of adopting measures to save the Territory from the evils which it is suffering under my administration. This is the first political blasphemy of these idiots; the citizens, who, they say, assembled, are a parcel of adventurers just arrived in the country coming from the State of Sonora in search of fortune, for they brought no employment: just so with Torres and Apalategue, they had just arrived in the Territory, and they do not know or understand how it is governed; fools! could they not at least know that the Californians obey me rather from love and pleasure than from the authority which I exercise? Do they not know the contempt and general hatred in which they are held? Is it not plain to them that no Californian took part in their riot notwithstanding they had seduced them for the space of seven months counted from September to March? Do they not see that the very persons whom they had seduced returned to order without the necessity of employing force? Have they not themselves experienced the lenity with which I have treated them, in spite of their crimes? Do they not know that having attacked my military authority it was competent for me to judge them, and that I have renounced this right, not to be obliged, although legally, to pass upon my declared enemies? These perhaps may be the evils which this Territory is suffering under my administration? Infatuates! if they had one trace of integrity they would not lie with such audacity. And what is the right which citizens have to assemble tumultuously to trample upon the laws which regulate society and to attack the public authority? In what publicist has Señor Torres read these doctrines? Will he seek to apply in politics the knowledge which he has of drugs and the specifics, laid down in the pharmacopeia? Perhaps he thought that his plan would be as exactly obeyed like prescriptions in the apothecary shops? If so, he deceived himself miserably, and would that this event may be a lesson to him, so that he may betake himself again to relieving suffering humanity, joining anew the multitude of doctors from whose ranks he has deserted.

Following the relation of the celebrated plan, its authors assert that I have not complied with divers orders which the Supreme Government directed for the purpose of bettering the condition of this people. Liars! they speak like parrots. If they would rest their accusation on any foundation, and would designate the orders that I have failed to obey, I could answer them, but in the fact of not showing my fault, they prove their calumny.

The second clause of the first consideration of their plan affirms, that exceeding the limits of the powers which the laws grant me, I improperly assumed the political and military commands, contrary to the system of federation. Barbarians! In what have I transgressed the limits of my powers? Do they not know that the union of the political and military commands was conferred on me by the Supreme Government of the Union, and that it was empowered to do this, without violating any law, because the law of the 23d of June, 1813, art. 5, tit. 3, expressly authorises it. And in what is this measure opposed to the system of federation? In nothing, or there would also be necessary two Presidents of the Republic, one military and one civil. Do these two commands correspond in intention with any of the three powers into which the national sovereignty is divided? Certainly not, for they both belong to the executive power. We must conclude then that the authors of this invective are idiots, who do not understand what the system of federation is.

The third clause of the first consideration of the plan, is, because I made of the law of secularization a scandalous monopoly, reducing the products of the Missions to an exclusive commerce, and that I deceived the Deputation into regulating a general law according to my caprice. Slanderers! How will they prove these atrocious calumnies? In what consists this monopoly, or what does Señor Torres understand by monopoly? Where is this exclusive commerce? It has only existed in the fantastic plan of Señor Torres, and if he had any shame he would not lie with such audacity in the face of the Republic. In what manner have I deceived the Deputation? I have already shown, that far from desiring the formation of a regulation of secularization, I publicly resisted it, and kept it back more than six months. But against this irreproachable testimony, the apothecary wished to display himself, but he did not desire to venture upon proof, thinking to give credit to his calumny simply by writing it.

The fourth clause of the first consideration of the plan asserts that I infringed upon the regulation of commissaries; that I dispose of the supplies of the soldier at my pleasure, without the cognizance of the chief of that service, and without the formalities which the laws and regulations establish. Señor Apothecary! in what and how have I infringed upon the regulation of commissaries? Is it because I have watched over its exact observance and reduced the sub-commissaryship and the custom-house to the rigid system which the laws prescribe? Is it because I have not left these important offices in the confusion and disorder which prevailed in them from

their foundation until I entered upon the command of this territory? Is it, in fine, because I watch over the distribution of the funds, and consent to no malversation? Let then these slanderers say in what manner the regulation of commissaries has been infringed, on my part. Let the chief of that service, the commandants and paymasters of the corps who serve under my orders say, if ever I have interfered with their functions. Let them say if, before I commanded in this Territory, the accounts of the troops were so carefully adjusted as now; let them say if, at any time before I commanded, there has been so much order and method in the equitable distribution of the funds; and above all, let it be observed what the present sub-commissary says:

"JOSE MARIA HERRERA, Sub-Commissary of Upper California.—I certify, that during the time I have been discharging the said office, since the seventh of October, of the year last past up to date, the management and conduct of Brigadier General Don José Figueroa, Commandant General and Political Chief of this territory, in regard to this office, have been nothing more than the intervention prescribed in the laws and regulations concerning the administration of the public property. And in testimony thereof, and for whatever purpose they may serve, I give these presents at the request of the party concerned in Monterey, June 30th, 1835.

"JOSE MARIA HERRERA."

I defy Torres and Apalategui, and all who may think proper, to prove the slightest fault that I have committed in the management of the Federal property or the supplies of the troops. It would be sufficient for me to respond to this atrocious slander, that the responsibility rests with the sub-commissary and the paymasters, to whose charge the property is confided; but notwithstanding this, I desire, and it is my will to be held to responsibility whenever any one shall require it with positive facts.

The second consideration of the plan is to the effect that the Territorial Deputation has not the power to regulate a law as it has done with that of secularization. I have proved that the Deputation could and ought to propose the regulation of secularization, because it is one of its faculties conferred by the law of the 23d of June, 1813, articles 1, 14, and 16, chapter 2. Another of the causes which prompted the plan is the decline of the Missions from the restraint imposed upon the natives, and because their property was being divided among them. This, verily, is a powerful motive for the revolution of Torres; the property being distributed among the owners, they would not permit it to be taken

away, and then the Cosmopolitan Company would be without funds to dispose of; for this, the sage Torres, as principal partner, thought to make sure of the property of the Missions by means of a revolution. Excellent thought, but vain because it did not succeed!

Likewise it is asserted, as though casually, that the Commissioners, to forward their private interests, are ruining the property of the Missions, to the injury of the natives, who have acquired it by their labor. Then Señor Torres confesses that the natives are the owners of the property? Yet we will see, nevertheless, how he proposes to strip them of it. And how does he judge of the damage which the Commissioners have done to the Missions? By making use of the terrible weapon of calumny. The Commissioners will justify their conduct by the results, and as yet it is not time to analyze them.

For the foregoing reasons, they adopted the plan whose first article was to declare me unworthy, in order to deprive me of the political and military command, transferring the latter to Captain Don Pablo de la Portilla, and the former to the First Alcalde of Monterey. It is certain that the factious Torres and Apalategui, declared me unworthy of the public confidence; but the public—that is to say, all the inhabitants of California except a very few cosmopolitans—honored me with more confidence than I deserved. I would be ridiculous to take the trouble to refute the filthy farrago of Torres. I will only examine the distribution of the commands. The political was destined for the Alcalde, who although not called by law in any case, would serve to disorganize the Government and open the way for Señor Hjar, who was to have been called in after the triumph, under the pretext of having been appointed Political Chief, and being the only person capable of rendering the Territory happy. The oldest Vocal of the Deputation, who in default of the Political Chief, ought to discharge his functions according to the law of the 6th of May 1822, did not suit the wise foresight of the apothecary, and therefore tacitly he declared him unworthy of the public confidence. The military command was deposited with Captain Portilla to deceive, amuse and commit him, until the Engineer, the Lieutenant, Colonel, Adjutant, Inspector and Sub-Director of the Colony, &c. &c., Don José Maria Padres appeared upon the stage, and who ought to have obtained the command by the order of succession, and because General Figueroa ought to have acknowledged himself ill and disposed to go to Mexico. Doubtless the plan was marvelously contrived! Production worthy of Torres!

The second article of the plan declares null and void, and

of no force, the resolutions of the Deputation referring to the administration of the Missions. This is to understand the matter, Señor Doctor. What will Señor Hajar say to this mode of legislating? I venture to aver that he will not be so frightened as he was when the Deputation adopted the resolutions which the legislator, Torres, annuls.

The third article commands the restoration of the temporalities to the missionary friars. Who will believe that there is any sinister intention here? Then will I demonstrate it. If Torres knew as I do the probity of these friars, he would not have done them the indignity of stimulating them with the troublesome inducement of administering the temporalities which repeatedly they spontaneously renounced; it is not a sufficient temptation to commit them to a disastrous revolution even though the offer was sincere; but besides the insult to the honor of the friars, he seeks to deceive them like boys, making them the passive instruments of his depredations. Perfidious hypocrites! They do not fear to insult sound reason, and therefore they pretend, and offer that which they least think of performing. How is it that they offer to restore the administration of the temporalities to the friars, when by the fourth article which follows in the plan, they are not to obstruct the powers of the Director of Colonization as contained in the instructions which he received from the Supreme Government? And these instructions, do they not direct in the first article to take possession of all the property of the Missions? Then what have the friars to administer? And is not this deception with the mask off? Do these infatuates believe that we do not understand their complications? Have I not proved manifestly that the instructions given to Hajar by the Minister of Relations were drawn from him through imposition, in order to despoil the Indians of California of their property? Have I not remonstrated to the Supreme Government on the unconstitutionality of that decree in order that it may be revoked? Have I not demonstrated with facts and evidence that the true object of the colonizing expedition was to take possession of the effects of the Missions? Is any one ignorant of the designs and plans of the Cosmopolitan Company? Is not the exhibition to which the Missions are condemned to pay for the brigantine Natalia public and notorious? Is it not certain that the estates of pious works belonging to these Missions are to pay the value of the said vessel, for such is the desire of the Director of Colonization and his followers? Is it not certain, that in addition to this incumbrance, and having used the funds of the nation to fit out the expedition of the Natalia, the passage and freight of the colonists and

their equipments, who came in her, are also demanded of the nation? And the Missions and the federation, have they received, or do they hope to receive any return for so many exactions? Nothing—absolutely nothing; but with all that, Torres and Apalategui could say, it costs nothing to deceive and impose upon the padres if they allow it, offering them the administration of the temporalities; they will contribute to the overthrow of the Government, and after that, will fall themselves. Such is the extravagance of their pretensions.

I might make still further observations on the third article of the plan, but it would be to trouble the public too much. Bear in mind that the said article offers the missionary friars, the administration of the temporalities, and in continuation, they contradict themselves in the following manner:—

“4. The foregoing article shall not interfere with the powers of the Director of Colonization, in acting in conformity with the instructions which the Supreme Government gave him.” Ah! villains, here we have uncovered the whole secret of your unbridled avarice. I have said already that it appears in various places of this writing, that the instructions which they seek to make use of are contrary to the Federal Constitution, and that under the pretext of fulfilling them in obedience to the Supreme Government, the cosmopolitans seek to enrich themselves upon the ruin of more than twenty thousand persons who are the legitimate owners of the property of the Missions. This is the necessary result whenever the said instructions may be put into practice by Señor Híjar. They are the only object of the revolution, by means of which alone they could get into their hands the property which they covet, after they had found it impossible to get it by honorable means.

By the fifth article they submit their plan to the approbation of the General Government. This is a fiction for the purpose of deceiving the public, because neither have the factionists relied upon the Government, nor would it approve in any case, attacks upon the authorities, whatever may be the pretext proclaimed by the seditious. Where was there ever a Government that approved of its own destruction by a contemptible handful of frenzied demagogues? Who has confided to them the fate and government of the citizen? Who has given to them the power to judge the authorities lawfully constituted, or to require of them an account of their administration.

Nor is the sixth article less nonsensical, in that they vow that they will not lay aside their arms until their plan is realized, and they constitute themselves protectors of the administration of justice and of the authorities. Who shall solve this riddle? Not the most sapient knight of the woeful

countenance were capable of so much political prowess, and skill! they declare that they will not lay aside their arms until they see their plan realized, and at the moment of their proclamation they conceal themselves from the view of the profane, leaving the defence of their oaths to the charge of their squires! and so it is that the cowards are to cut their capers and are not to be exposed to the public observation! And what is the meaning of this about the protection of justice and the authorities when a mortal blow is given to the body politic, cutting off the head, which is the Government? This, in the language of knight-errants, is the reason of unreason—so we have righters of wrongs? There is no doubt, there are, there are! Protectors of justice, imitate Sancho in the government of his island!

I have paused to analyze the abortive plan in the pueblo of Los Angeles because my honor is atrociously attacked; and although the criminals who proclaimed it are at the disposition of the tribunal which must judge them, I desire that the public should know the villany of its authors, who came to the tragical conclusion which is seen in the exposition which follows:

“Señor Constitutional Alcalde—Juan Gallardo and Felipe Castilla, in the name of the armed force which on this day has presented itself before you representing the rights of the people, with due respect appear and say: That having been solicited by the citizens Antonio Apalategui and Francisco Torres to co-operate with our physical force for the good and prosperity of the territory of Upper California as they represent it in the plan which for that purpose they presented to the Illustrious Ayuntamiento, which was not adopted; and satisfied that the illustrious body must have reflected with more judgment and ripeness on that subject; and considering at the same time that it is the best and only means of avoiding a disturbance, we have agreed to surrender, and we do now surrender the instigators of this affair, so that if their undertaking is in accordance with reason, they may justify themselves before the law, and establish their rights in the manner which the laws prescribe. If your authority and public justice should be satisfied that the step taken is criminal, yet let the good intention with which it was done be considered, and its purpose estimated as it deserves. Wherefore we unanimously supplicate you to be pleased to pardon us, decreeing forgiveness, justice which we implore, protesting respect for the laws.

“Pueblo of Los Angeles, March 7, 1835.

“For themselves and those under arms,

“FELIPE CASTILLO.

“ALVARADO.”

[A COPY.]

The documents which follow are the answers which I gave to the Ayuntamiento of the Pueblo of Los Angeles, and a proclamation to the public :

“POLITICAL GOVERNMENT OF UPPER CALIFORNIA.

“By your despatch of the seventh inst., I am informed of the disagreeable events which have occurred in that pueblo, and of the audacity of Don Francisco Torres and Don Antonio Apalategui, who, not content to live peacefully under the protection of the laws, are plotting constantly against the society which nourishes them. I have examined their plan, and notwithstanding they have disguised their ambitious views, they are unable to conceal the rage with which they desire to devour the property of the unhappy natives in the Missions. For this reason, and because they see in my person an obstacle to their schemes, they seek my removal from the political and military command ; for that reason they annul the resolutions of the Most Excellent Territorial Deputation which prevented the robbery of that property ; and, for that in fine, in the fourth article of their plans they resolve to place the Director of Colonization in possession of them, in accordance with the instructions of the Government. This is the deadly poison with which those adventurers sought to sacrifice the Territory. The true and only object of their plan is to get into their power the property of the Missions to satiate their avarice at the cost of the sweat of the Californians. I, who have resolutely defended these interests, am the target of all their shots ; but it does not matter : I do my duty, even though they may sacrifice me, so that the Californians may not be defrauded. I defend justice, the liberty, security and property of the citizen ; my cause is that of the people and the laws ; they speak for me ; I sustain the Government which has been confided to me ; if I abuse my authority or commit any crime, let me be accused before the Government itself, or before the tribunal which should judge me ; if I have forfeited the public confidence I am ready to relinquish the command, but to hands of competent authority, and to him whom the laws have empowered for that purpose ; but never will I, to the hands of a tumultuous meeting, that only speak of order to subvert it and the laws, to violate them. I have offered to the Californians and am ready to comply, to give up the command ; I have renounced it to the General Government, and the Most Excellent Territorial Deputation have interposed their respectable influence to have my successor, as political chief, appointed ; the decision will soon come and desires be satisfied ; but in the mean time it is the duty of every citizen to

respect and sustain my authority. Although you are aware of the monstrosity of the plan and the object to which it is directed, it has been necessary for me to make the present suggestions, in order to confirm your judicious opinion, and that you may make it understood by those who were compromised in the pronunciamiento, declaring to them: That their prompt return to order has satisfied me of their good intentions, and that they were only imposed on and deceived by the perfidious Torres and Apalategui, enemies of the people and of all government; that they have given proof which assures me of their good conduct hereafter, by delivering the seducers into the hands of justice, to be judged according to law; that all those engaged in the pronunciamiento, who desisted on the same day, are pardoned in the name of the Supreme Government, to which I will render an account, provided that they do not again mingle in revolution or disturbances which may break the peace; that they retire to live in peace in their houses, under the guaranties of the laws and the securities which are herein extended to them; and that they denounce whatever person, under whatever pretext, who may disturb public order. It remains for me to give to your illustrious body and honored neighborhood, the due homage of my gratitude and respect, for their heroic bearing and the noble firmness with which they refused to take part in the attempts which, in a moment, might have destroyed the public tranquillity. I tender you, therefore, for your eminent service, the most expressive thanks, recommending to you to double your care and vigilance for the public safety, and not to permit order to be disturbed under any pretext which detraction may invent. As to the accused Torres and Apalategui, I recommend you very earnestly to see that their persons are well secured and their cause be prosecuted with all possible brevity, since, although jurisdiction over it belongs to the military department, I suppose that the Alcalde has instituted proceedings and should prosecute them to judgment. If for this purpose, or other objects of the public service, you should need the assistance of armed force, you may demand it of the Lieut. Col. Don Nicholas Gutierrez until the arrival of the division which marches in that direction to complete the assurance of tranquillity. All of which I have the honor to say to you in answer to your note of the seventh inst., with which you transmit me the plan of the insurgents and the correspondence had upon that subject.

"God and Liberty. San Juan Bautista, March 13, 1835.

"JOSE FIGUEROA.

"The Most Illustrious Ayuntamiento of the Pueblo of Los Angeles."

"THE COMMANDANT GENERAL AND POLITICAL CHIEF OF UPPER CALIFORNIA TO THE INHABITANTS OF THE TERRITORY—FELLOW-CITIZENS:—The Genius of Evil has appeared among you, scattering the deadly poison of discord. The enemies of order, envious of the felicity which this Territory has enjoyed, and not satisfied with the blood of their fellow-countrymen, which they have caused to be shed in the interior of the Republic, brought Californians the sad present of anarchy; the repeated proofs which they have received that Californians will not succumb to their iniquitous projects, has irritated their presumptuous pride, and they wish to sacrifice them at whatever cost. This is the sum of all the good which Hjar, Padres, Torres, Berduseo and others brought to California. A country which was progressing under the shadow of peace and confidence, they seek to rob of its repose, and to plunge into the disasters of a civil war. These, fellow-citizens, are the magnificent projects which occupy the heated fancy of those men. From the day they put their foot upon the shores of the Territory have they been plotting secretly its ruin, until on the 7th inst. they withdrew the veil from their immeasurable ambition. In the pueblo of Los Angeles certain individuals of Sonora, seduced by Don Francisco Torres, and the Spaniard Don Antonio Apalategui, proclaimed a plan of conspiracy against the Territorial Government. That famous abortion of detraction abounds with artful, atrocious calumnies and falsehoods, with which it is sought to deceive the people, in order to lead them to disobedience, to destroy the prestige of authority, and attack the persons who exercise it. Such is the tissue of abuse with which they honor me, and which I propose to refute with a manifesto so soon as public business will permit; but in the mean time I will state briefly their pretensions: They seek my removal from the command, because I opposed their destruction of the property of the Missions, and because Señor Hjar wishes to be put into my place. They make use of the artifice of choosing the First Alcalde of the Capital for Political Chief, without regarding that in default of this magistrate the law calls the First Vocal of the Deputation in his place; but it is necessary, in order to conceal the ambition of the aspirant, to disorganize the Government entirely, and so to open the way for him. They demand Capt. Portilla as Commandant General, to substitute Señor Padres in his place, who desires it. They annul the resolutions of the Most Excellent Deputation, because they guarantee to the Indians the enjoyment of their property, which they wish to take from them; they demand the suspension of the secularization of the Missions, restoring apparently to the friars the admission of

the temporalities, because they sought to deceive them and thereby to interest them in favor of the resolution; and, finally, to put the Director of Colonization in possession of the property of the Missions, to dispose of according to the instructions which the Supreme Government gave him, as if the public were not informed that that order was unconstitutional, because it carries with it the spoliation of the property of more than twenty thousand persons. In a word, all this is sought by force, which is the law of the highwayman; in this the Constitution and laws are attacked—all the guaranties of society are violated, and the social pact is dissolved, leaving the fate of the people to the will of the hardy usurper, who seeks to rule even against the wish of the Supreme Government, which they pretend to respect, and of the citizens, whom they desire to subjugate. I have stated succinctly the object of the revolution, which fortunately terminated in its very cradle; the compromised parties themselves, as soon as they knew the crime they were about to commit—that the Illustrious Ayuntamiento of Los Angeles disapproved of their conduct, and that no son of California took part in their aberrations—gave up their attempt and handed over the instigators, and justice will pass upon their offence, and inflict upon them the punishment imposed by the laws which they have broken. Tranquillity, which for a moment might have been disturbed by these events, was immediately re-established; but the advocates of anarchy do not cease to preach discord, nor will I lose sight of their liberticidal plans. This, fellow-citizens, is all that has happened. As to myself, the public will judge of my proceedings, the Government will hold me to any responsibility which I may have incurred, and the tribunal to whom it belongs will apply the law, if I have committed any offence. The office of Political Chief I have renounced, and the Most Excellent Deputation has interposed its influence to have my successor appointed; the decision will soon come, and you will see me submissively deposite in his hands the powers which the Most Excellent President of the Republic delegated to me to govern this Territory. In the mean time, fellow-citizens, give no credit to the false suggestions of the enemies of order and of the Government, who, blinded by ambition and avarice, invoke the sacred name of Justice to profane it, and to waste your blood and property. Continue united and peaceful in the enjoyment of your social blessings—that is true happiness, and the only reward to which my ambition looks.

“JOSE FIGUEROA.

Monterey, March 16, 1833.

Although the revolution appeared and expired in a single day in the pueblo of Los Angeles, it had its ramifications at the head of which were the principal aspirants. Under the pretext of establishing a colony, they sought to organize an armed force to sustain their pretensions. In fact they brought from Mexico a quantity of rifles and cartridges, which the Government commanded to be furnished them. These and various other preparations they endeavored to conceal from me. I was acquainted with their designs and only tolerated them, in the hope that they would exhibit their crime more publicly, or recede from it. I could not succeed notwithstanding repeated proofs of consideration and forbearance, since the more I strove to convince them and divert them from their tortuous views, or the more I overlooked their designs, so much the more insolent they became, perhaps because they regarded my moderation as weakness or cowardice. Thus it is that animated with that confidence, they daily pressed forward their preparations, and even Señor Híjar himself in spite of his pretended modesty, was not able to conceal his participation in those movements. For that cause he set out for San Francisco Solano, on pretence of assembling the colony, when he had always regarded it with the utmost indifference. For that also he sent under his signature, in the month of February to the Rev. Father, President Fr. Narciso Duran, a copy of the absurd communication which he addressed me on the 23d of October: for that he concealed the manœuvres of Berdusco and Lara, who in his name and under his immediate protection, were exciting to revolution: for that the same Señor Híjar without having received the command, was haranguing the Indians in the Missions through which he passed, exhorting them to defend liberty which nobody was attacking; for that he met Torres, Berdusco, Lara and Araujo in secret conferences which they held in the house of Bonifacio; for that, in fine, he looked with so much contempt upon the propositions of peace which I made him at various times, entreating him to restrain his proteges, that I might not be obliged to punish them, since I was aware of their plan and forbore all proceedings from consideration for his person. Whether then Señor Híjar was decidedly the protector of the revolution, or whether he was used as a blind instrument by its authors, the fact is, that his adhesion was felt, and after I observed in friendly intercourse and various other modes, his attachment to my enemies, he could inspire me with no confidence, because even doing him the favor to believe him innocent of that which his creatures were plotting—he has a soul so insensible and apathetic, that his very existence would be indifferent to him. Such being the case, and

the revolution breaking out openly, what should I do with Señor Híjar? Is he not the rival that my adversaries set up to cover their crimes and deceive the public? Should I have permitted any longer my condescension to be abused? Should I have longer exposed, than I had exposed, the public tranquillity by an imprudent tolerance? I believed it my duty to remove all motive for disturbance and this could not be done if I left its causes in existence. I was not in condition to wait until proceedings should first be instituted, because, besides that on such occasions it is difficult to prove exactly the secret crimes of the seditious, they were waiting only for a favorable occasion to strike a blow. The small military force which I have under my orders, and the diversified demands which it has to meet throughout an extent of more than two hundred leagues, is another motive which obliged me to act with energy. For all these considerations, I ordered the arrest of Lara and Berdusco; Híjar and Padres I suspended from the Commission of Directors of the Colony, and compelled them to proceed to Mexico for the disposal of the Supreme Government, for which I addressed the former the following note.

“POLITICAL GOVERNMENT OF UPPER CALIFORNIA.

“The revolution has finally occurred, which Señor Torres went to excite, as I announced to you in a friendly manner, informing you that your friends wished to compromise you in order to overthrow the Government. This fact, which was revealed to me beforehand, and other antecedents which I explained to you, directed all to a conspiracy against the public order and the laws, impose upon me the duty to take measures to secure the public tranquillity, constantly threatened: since the prudent deportment which I have observed towards all, and the frank manner with which I have exhibited to you their erroneous desires, that you might keep them within the limits of duty, have not proved sufficient to restrain the audacity of your adherents. Notwithstanding I had received in advance, information of the projects they were contriving to attain their ends, I have kept silence in order that in no event I may be chargeable with violence; but now the veil has been removed, and they have very promptly and feelingly been undeceived; the imprudent persons whom Torres succeeded in seducing, discovered their error and themselves delivered him over to justice, a prisoner, and the same with his associate Apalategui. In consequence of these events I have ordered you and the Adjutant Inspector, Don José María Padres, to be suspended from the commission which the Government entrusted to you, turning over the arms munitions, pro-

perty, and all that you have, to the charge of Ensign Don Mariano G Vallejo, and that you depart immediately, holding yourself at the disposition of the Supreme Government, before which you will answer the charges which may be brought against you for the conduct which you have observed since your entrance into this Territory. I have the honor to communicate thus much for your information and compliance.

"God and Liberty. San Juan Bautista, 13th March, 1835.

"JOSE FIGUEROA

"Señor Don JOSE MARIA DE HIJAR."

Señor Hizar replied in the communication which follows :

"You say to me in your communication of the 13th inst., that at last the revolution had broken out which Señor Torres went to excite, as you had told me in private ; that the instigators are prisoners, and that this obliges you to take measures to secure tranquillity ; commanding in fact that I, and the Adjutant Inspector, Don José Maria Padres, be suspended from the commission which the Supreme Government confided to us, turning over to the ensign, Don Mariano G. Vallejo the arms, munitions, property and all else in our charge, and concluding that we depart immediately, holding ourselves at the disposal of the Supreme Government in order to answer the charges which may be brought against us for the conduct which we have observed since our entry into this Territory. As to the first you will permit me to say, that the revolution of which you speak appears to me merely imaginary : I will never be able to persuade myself that Señor Torres, who was passing as a traveller bearing important papers for the Supreme Government, should undertake a revolution without object and in a country where he has neither connections nor acquaintance. I see in all this only a mystery which time will disclose. If the veil has been withdrawn for you, for me it still remains sufficiently dense ; but I hope that so soon as it shall be rent, things will appear as they are in reality, and all be clear as light itself. It is supposable that some colonists, heady and justly resentful, might have desired to revolutionize, but I do not know how that could involve me, as if I had instigated or taken part in the revolution. Nevertheless you command me to be suspended, giving me thereby a blow the most terrible, and wounding me in the fibre most delicate. You have endeavoured to stain my reputation which I esteem more than existence ; it is sought to make me appear guilty of crimes which certainly I have not committed, but I solemnly promise to drag my persecutor, whoever he may be, before the proper tribunals, when I will exact the fullest satisfaction. You

know very well that if I remained in this Territory it was only at the repeated and urgent requests of yourself, of a Committee of the Most Excellent Deputation and of others, private persons, whom you are acquainted with; you know likewise that I was going to leave the Territory within a few days, and that consequently I had no interest to continue Director of the Colony. I make this little digression that you may understand, that the profound regret which devours me, does not spring from the fact that I am suspended from a commission which I was going to give up, but from the injurious manner in which it has been done. I have discharged many delicate and important duties and always with distinction, and the different Governments which have availed themselves of my small capacity have been satisfied with my conduct, never making the least complaint against me; my public conduct, well known in the interior, had never received a stain, and this formed all my glory; but it appears that heaven had reserved it for you to inflict upon me the most cruel insult. Yes, Señor General, if I had not hoped to vindicate myself, I would have shot myself that I might not drag out an opprobrious existence and not to appear contemptible in the eyes of my equals. I know no authority which you possess to suspend me, but it is necessary to yield to force; therefore your orders shall be in everything obeyed and I am ready to set out as soon as you furnish me the means, (would that it were to-morrow!) I will present myself before the Supreme Government with that serenity which a tranquil conscience inspires, and there I hope to confound my accuser. I will terminate this communication, declaring to you that we have suffered unheard-of vexations; that we have been treated in a scandalous manner and such as would not be used with a band of robbers, attacking rudely the unprescriptible rights of man which our charter guaranties. All this would have been avoided, and I would have caused the arms, munitions and everything else to be delivered without the necessity of ill-treating anyone, if Señor Vallejo had presented me your communication, but purposely it has been sought to make us feel all the weight of arbitrary power, treating us rather as outlaws than as Mexicans. Patience, Señor General; perhaps the laws will some day reign. I have transcribed your communication to the Adjutant Inspector for his information, with all which I think I have sufficiently replied to your communication of the 13th inst.

"God and Liberty. San Francisco Solano, March 17, 1835.

"JOSE MARIA DE HIJAR.

"To the Political Chief, General Don JOSE FIGUEROA."

So great is the obfuscation of Señor Hajar that, notwithstanding the public acts of his immediate dependents, who, fed from his hand, he seeks to create a cloud placing them in doubt, as though I were a jester who occupied myself with trifles, or in supposing for the sake of amusement the event which I communicated to him officially. Let it be observed that he says Torres was carrying important papers to Mexico, proof unequivocal of the great confidence which this adventurous Esculapius enjoyed with him; and also he adds that he never will be able to persuade himself that this man would have undertaken this resolution without object, and in a country which is unknown to him. What hypocrisy! I have proved conclusively that Torres was the immediate agent of the rebellion, and that it had its determinate object. Why did it not break out before this same Torres arrived in Los Angeles? For what purpose this untimely friendship with Apalategui, with his gang of Sonorians? And wherefore did these same Sonorians, repenting of their guilty attempt, designate Torres and Apalategui as their instigators and the prime movers, and deliver them as prisoners to the authorities?

With all the sophistry and circumlocution that Señor Hajar may use, he will never be able to persuade the Californians that he had no hand in this affair, which I myself announced to him beferchand, from reliable information that I had of its traitorous intent. By throwing the stone and hiding the hand, or sheltering himself behind the names of others, he thinks to avoid the severity of the laws; but he is mistaken. All his steps condemn him, as we have seen.

He vaticinates that he will drag me before the tribunals. All the necessary antecedent facts will be already before them, and I am ready to present myself and to confound him who would trample upon my authority, with reason, with the law, and with justice. The probity of the Judges cannot but be favorable to him who preserved the integrity of the Republic and maintained peace and law in this Territory.

Señor Hajar was never begged to remain in this country. I only interested myself, as did the rest of the gentlemen of the conferences, that he should not carry the wearied colonists to Lower California, as the Directors imprudently desired, or pretended to desire.

If the services which Señor Hajar boasts of, have been advantageous in other places, here his apathetic reserve, and his concealed management to take the political command by surprise, have been prejudicial; and if the mind of the Californians had not been so penetrating, and if I had reposed in a vain confidence, the triumph of the cosmopolites is certain—for their chiefs are skillful in the arts of intrigue, and know

how to make the best use of their florid and vain loquacity ; but their energy and frank and loyal valor are so deficient, that they have not enough even for the cowardly action of shooting themselves, as Señor Hajar, possessed of his anglo-mania, says that he would have done, if he had not hoped to vindicate himself.

He denies me the power to suspend him, and he has before asserted that he is submissive to the Political Government and recognizes its authority.

The unheard of vexations of which he complains were nothing but the measures absolutely necessary to collect the arms and munitions that Señor Padres was concealing, and to prevent him from calling out the colonists and thus render necessary a resort to force. The truth is, that owing to the skill and military prudence with which the Ensign Don Mariano G. Vallejo performed this duty, it resulted in no one's being wounded or even bruised. It is now seen that the attack upon the imprescriptible rights of man was nothing but the prevention of an improper use of arms ; but it was a sounding phrase, which ought not to have been omitted. I make no comment.

Received on board the Sardinian frigate, the Rosa, which was in the Bay of San Francisco, Señors Hajar, Padres, Berdusco, Lara and others were carried to the roadstead of San Pedro and transferred to the Anglo-American schooner, the Lorient. They sailed in May last, with Señors Don Bueneventura Araujo, Don Francisco Torres, and Don Antonio Apalategui, for San Blas, to abide the decision of the Supreme Government.

The condition of the colonists has been improved by the separation from the chiefs, who were enslaving them and leading them to their total ruin. Established wherever suits them best, aided as far as possible by the Government, and befriended by the Californians, they do not lack subsistence or employment for the industrious—already the progress of some of them being a subject of remark.

Peace has been consolidated, and with it its inestimable benefits. It would be useless to say that the Cosmopolitan Company was dissolved of its own accord, and as it was based on the triple representation of Señors Hajar and Padres, as founders and principal partners, as Directors of the Colony and Chiefs of the Territory. The colony and the commands were the basis of the company, and the most powerful assistance for the magnificent speculation, which they had planned in idea, setting at nought the laws which prohibit employées from being traders.

Don José Maria Padres has been the most open and active

agent in this enterprise ; I have already mentioned that with his projects in regard to the Missions, which were in no way connected with his office, and his tortuous conduct, he disturbed the tranquillity of the Territory in 1830, and was the cause that the lawful government of Lieut. Col. Don Manuel Victoria was resisted by some imprudent citizens, by reason of which he incurred the disapprobation of the Supreme Government ; but, nevertheless, he succeeded by the force of artifice to return with the colony and the position of Adjutant Inspector for this Territory, from which he had been expelled. I have touched upon this subject that it may be seen from what date he has been occupied in his mercantile views upon California.

It is presumable that this officious gentleman with the influence which he had over the mind of Señor Hajar and which he prided himself upon enjoying with the Most Excellent Vice President Gomez Farias, was the same who intrigued in Mexico, to prevent the Supreme Government from seeking information of the Most Excellent Deputation or myself, in regard to the resources which could be reckoned upon here for the settlement and support of the colonists who were coming salaried until the expiration of the full year of their establishment, being to be furnished, as I have said, with grain, cattle, and tools ; for all which, heavy expenses were necessarily to be incurred, beyond the capacity of the public treasury of this Territory to support, which does not meet even the half of its ordinary demand, and was then, and still is, without a supreme order for such supplies. But as the report of this Political Government could not be favorable to the object of those who from Mexico were speculating upon the property of these natives, the asking for it was omitted, whilst a pretty plan of destruction was being formed, in substance, to secularize the Missions, in order to deprive the ministering fathers of the tutorship of the neophytes and leave these defenceless, while the Director and Sub-Director, in possession of the political and military commands, were disposing at their pleasure, and under the pretext of aiding the establishment of the colonists, of all the property of the Indians ; since, the shepherd being removed, it is easy for the wolves to devour the flocks.

But Providence frustrated projects so improper, by a succession of events that the Directors were not capable of foreseeing, who from their departure from Mexico were experiencing the inconveniences of their ill-considered enterprise of colonization as well as of their boastful mercantile Comopolitan Company, as destitute of funds, as rich in hopes, and notable for the pedantry of its name ; the which had the grief to see their brigantine Natalia stranded upon this coast for the

want of cables and through the ignorance and carelessness of those in command, a few days after she anchored in this port.

We have seen that Señor Hjar, under the pretext of his commission, and relying on certain unconstitutional instructions, impolitic and perhaps surreptitious, wished to possess himself of the Missions and attack the unquestionable right of the property of the natives, and that he disowned the legal authority of the Deputation over the common property, and the inspection and vigilance which were incumbent upon me as Political Chief, charged with preserving unimpaired the social guaranties, and with observing the laws and causing them to be observed; and I have already related how he sought to make use of my authority as Commandant General, degrading the national arms by making them to subserve his unjust pretensions, and lend their support and sanction to the iniquitous spoliation of property which was meditated against the helpless Indians.

It is wonderful to see the Directors of the colony so bent upon their lamentable undertaking of usurping the property of others that they are compelled to drag in by the hair to their aid, what they call the eminent right of the Government, and to allege that the Missions have no right over their property, being moral persons, and as such, incapable of acquiring property, and still less of holding it. What a sublime philosophy and what delusive theories have these revolutionists, in order to possess themselves of the property of others! More cowardly than bandits, they make use of sophism, and empty and high sounding words; and assuming the mask of patriotism and religion, while they outrage their country and make mockery of religion, opening their schools and making proselytes of the incautious, feeling themselves sufficiently strong, there is no longer any barrier which can restrain them; and with the formalities of law they trample on everything; that only they respect; that only is sacred which pertains to their edict. Do they not see that if moral persons cannot acquire or retain property, as they say, neither can the Government acquire or retain it? Do they not see the conclusion from their principles, that the eminent right of the Government is null in the case which they had alleged, since no one can give that which he does not possess? What contradictions follow from this prurience to pass for learned, and this desire to grow rich by the force of philosophy!

Who will not be struck with Señor Hjar's assertion in his note of the sixth of November, that the Spanish laws which protect the property of the Indians, conflict with our system? Better might he say that they conflict with the system of

depredation which they were bringing with them, adopted. He sought to invalidate the wise law of the Recopilacion, which ordains that sovereign orders which tend to deprive any one of his possession, shall be obeyed, but not executed before he shall have been first heard and cast in a contradictory proceeding. Yet, nevertheless, he pretended that the Indian, ignorant as he is, needy and half wild, was equal, identically and absolutely, in the exercise of political rights, to the rest of the citizens; perhaps the better to deceive him and to surprise him undefended with more facility. According to these principles we should blot from our codes the laws which recognize the paternal power, which regulate the superiority of the husband in marriage, all those which speak of the curatorship and tutorship of minors, idiots, madmen, prodigals and various others.

Legal equality carried to such an extreme would break up society. Such is the fatal attempt to equalize everything in appearance, in order to create inequality in fact, and to destroy, leaving the fanaticism of pretended philosophers to reign alone, intolerant and despotic. This is the direction of our sophists and small politicians; of these gentlemen who deny the Indians the right of property in their Missions; but the plan was to overwhelm them with rights and deprive them of their estate. This is the philanthropy which was going to be applied to the California Indian.

Fortunately the theories and pompous promises of the Directors of the Colony, and their garrulity and spirit of proselytism had no followers among the sensible Californians, and despairing of finding aid among them for their projects of revolution, they resorted, as I have said, by means of their emissaries, to seducing a parcel of emigrants from Sonora, who had come to seek their fortune in this Territory, and chanced to be in the pueblo of Los Angeles. And in truth it was only in the mind of such miserable adventurers that the mission of Señors Torres and Apalategui, who went from this place, and from the very house of Señor Hajar, with this special object, could find a reception. But their seduction and pronunciamiento was but for a moment, and served only to bring upon its authors and instigators, general animadversion, to expose them to the condemnation of the public, and to cause the immediate leaders the degrading humiliation of seeing themselves delivered as prisoners to the inexorable arm of justice by those imprudent Senorians themselves, who at once discovered their error and the perfidiousness of those who had abused their situation and compromised their thoughtless confidence.

The Directors of the colony have denied taking part in

the criminal insurrection of which I speak, prompted by their satellites, Torres and Apalategui. But who is ignorant in Monterey that Torres was the favorite of Hajar, and one of those who, with Lara, Berduseo and others, composed the staff of the colony? Who doubts that this quack was one of the daily counsellors of Hajar, and for his grand head, medio-political knowledge, his cunning, calm disposition, and his hypocritical and subterranean character, enjoyed the highest esteem of his chief? Hajar himself shows it plainly when in his communication of the 17th of March, he confesses that he had sent him to Mexico with papers of the greatest importance. But there is more proof, in the suit which is pending in the civil tribunal of this city, and which was prosecuted against the Sonoranian, Don Miguel Hidalgo, for bearing certain letters addressed from Los Angeles by Torres to Berduseo and others. It appears, that in the preliminary meetings which were held in the house of Antonio Trujillo, for the purpose of getting up the pronunciamiento against my authority, it was proposed by Torres himself distinctly, that the principal object of the insurgents was to be the placing of Señor Hajar in the political command, and Señor Padres in the military, and nobody in the Territory has doubted it; the unanimous public opinion attests it; and for the same reason in a very few days after Torres' departure for Los Angeles, Hajar set out with his satellites to unite with Padres in San Francisco Solano, and to second in the north, with the part of the colonists on which they could rely, the movements of the Sonorians which occurred in the south.

This was the strategical plan that they considered most advantageous, but it failed them, and they were completely disconcerted and confounded by the public spirit, by my vigilance, and by the zeal and energy that the well-deserving officers who serve under my command, displayed, especially the Ensign Vallejo, commandant of San Francisco Solano. And it is not to be doubted that the Supreme Government to whose disposal I have sent them, will bring grave charges against them and the rest of the abettors of the rebellion.

As the greatest question treated of in this Manifesto is not merely of a local, but of a national interest, and on the other hand, it is the flank on which the speculators, my antagonists, attempt to blacken a reputation which I have endeavored to preserve without stain, I could do no less than dwell at length upon the narration of the events and the exposition and refutation of the anti-social doctrines with which it was sought to corrupt the virgin California, in order to water with blood her fields of peace and fertility, destroy the

riches of her Missions, sow anarchy and upon the ruins of the Territory for the political hypocrites, patriarchs of revolution and disorder to seize upon the abundant wealth of the Indians acquired by their personal labor under the direction and evangelical patience of their venerable missionaries.

My continual duties and my much broken health, ought to excuse me in the eyes of the public, if inadvertently I have failed to touch upon any point necessary to form a decisive opinion. I believe I have omitted nothing essential. There are many witnesses who were on the spot, impartial, and acquainted with the series of these events, who can correct my mistakes and inaccuracies, and combat my errors and omissions, if, involuntarily, I have committed any of these faults.

Above all, my declared rivals, the Señors Director and Sub-Director of the colony Don José Maria de Hijar and Don José Maria Padres, have the liberty to answer me and publish their accusation against me substantiated, and their imputations upon the California people whom they have openly vilified; we have the liberty of the press, they pass for literati and superfine politicians; they have their learning and liberty with which to attack this Manifesto rationally and to establish their doctrines by lawful means, and clear up their conduct, which in the opinion of many, as is proved by the narration of the facts and the fanciful and ridiculous creation of the Cosmopolitan Company, partakes more of injustice, of trade and monopoly, than of patriotism. How far are these feeble republicans, priding themselves on their austerity, from that virtue, that disinterestedness of the Cincinnati, the Papirii and the Fabii! Their words are belied by their conduct, and servile, despotic and covetous, in the midst of their pretended liberalism, they dissipate by their actions the illusion of their promises, and lose by degrees the prestige which their ominous theories succeeded in introducing in the impressible infancy of our country.

The time has come to be convinced that these men were born to be middling poets, writers of romances and novels, and not to be rulers of a polished and regulated people. Such men have caused Mexican blood to flow in abundance. Their names stain the pages of our history. Anarchy, disorder, confusion, ruin, are the fruit of their toils and the result of their theories—brilliant on the surface, and, beyond measure, corrupt at bottom.

Men dyed in revolutionary scenes, and sectaries of anarchical doctrines, were those who, as leaders, brought to this Territory the unfortunate colonists—causing them to suffer

by their wastefulness and stupid management, a thousand unnecessary privations and discomforts, as is notorious.

At their arrival, I found myself at the head of the political and military administration of the country. I think I did my duty in circumstances so critical. I withstood their pretensions, unveiled their designs, exposed their impudence, combatted their doctrines, confounded their presumption, broke up their projects, humbled their arrogance, spoiled their plans, reined in their audacity, extinguished their torch of revolution which they had lighted, and saved the property of the Indians and the riches of the Missions; saved the unfortunate colonists, whom they were conducting to a precipice, and maintained the peace and order and well-being of California: of this important point of the Republic, which needs especial care and exquisite guardianship, lest it should be launched upon the career of disorder by the suggestions of the many adventurers, native and foreign, who, like meteors on a tempestuous night, are on every side crossing among us.

From my childhood have I served in the ranks of independence from its earliest days. With my little talent and less instruction, with all my strength, and with my blood, and with my health, have I contributed, to the utmost of my ability, to the glories of the country. The name of my rivals is only known in the anniversaries of fratricidal war, in civil discords, in the face of anarchists, and in that sect, ominous and abhorred in America and Europe, which constitutes the misfortune of our age. It may be permitted me to draw this parallel in satisfaction of my sense of honor, outraged with equal injustice and calumny. One point there is in this Manifesto so devoid of positive and conclusive proof, that only the individual opinion which each one entertains of Señor Hajar and myself can incline the balance. I speak of the secret conference to which that gentleman invited me by his billet of the 26th October, and which I have related on page 54.

I have endeavored to express myself in strict conformity with the truth, and without returning insults for insults. If in part there should be observed anything too rough or energetic in my style, let it be borne in mind that I am defending myself from calumny, and that I am a soldier who has passed his life in the fatigues of arduous campaigns, and in offices also military, and, consequently, that I am not accustomed to the elegant phraseology and rhetorical flowers with which other writers of more literary merit than I could possibly have, adorn their productions.

But this, my insufficiency, does not intimidate me. I am

not a rhetorician or politician. I am a Mexican soldier, and do not seek to pass for a scholar. In a martial and simple style, at the same time exact and well considered, I have endeavored to write, in order to present in all their aspects the artful views of the Directors of the Colony and their seditious cosmopolitan satellites.

The malevolence of the refractory does not deter me. I speak before the public, upon the theatre of the events, to my contemporaries, in the face of all the witnesses who were present. Everything is presented to view; I omit nothing essential; I exhibit all the correspondence, and I relate the events with exactness. Let my conduct be judged—let it be compared with that of my adversaries, and let all the circumstances which I have explained be borne in mind. This is what I beg of my readers. In the meantime, reposing on the correctness of my intentions and purity, and absolute legality of my proceedings, I hope that the discerning Mexican People will do me justice, and favor me with their incorruptible opinion.

Port of Monterey, 4th of September, 1835.

JOSE FIGUEROA.

NOTE—While this Manifesto was in press, on the 29th of the same month of September, died the General of Brigade, Don José Figueroa: in consequence of this mournful event, the Most Excellent Deputation resolved that the proceedings which follow, should be inserted in this pamphlet.

PROCEEDINGS,
TO PERPETUATE THE MEMORY
OF THE
DECEASED GENERAL OF BRIGADE,
DON JOSE FIGUEROA,
Commandant-General and Political Chief of Upper California,
HAD IN THE MOST EXCELLENT DEPUTATION OF THIS TERRITORY

MOST EXCELLENT SENOR :—Our Chief is dead ; the protector of the Territory, the father of our California, our friend, our mentor, General Don José Figueroa is dead : the citizens surround his funeral couch, and with eyes fastened upon the stiffened corpse, are dumb, and with sighs lament the great man whom death snatches from us. The sad, the lamentable news spreads swiftly, grief siezes upon all, and the sorrow is general.

The doleful echo of the bells, and the dismal report of the artillery, cause to gush from the heart tears the most compressed ; all is bitterness, all is grief. The Californians lament a beneficent father, who has given to their prosperity an incalculable impetus and with an attention without example, and a constant and unequalled industry, has promoted every branch of the public welfare : him who extinguished the torch of discord, and prevented this virgin soil from being drenched in the blood of its sons ; him who planted the olive of peace and has cultivated under its shadow every class of virtues which have been successively developed in the loyal breasts of these inhabitants ; him to whom our agriculture owes its security and extension, our commerce its protection ; him who knew how to repel anarchy when it dared to land upon our peaceful shores ; him who consoled the widow, pro-

protected the orphan and succored the soldier; him who protected merit and fostered learning; in a word, him who labored to organize our social order.

Strangers even manifest in their grief the affection which they entertained for him, and the lofty conception which they had formed of the superior genius who presided over us; the child of the desert, the wild Indian, makes known to us, though in rustic manner, the grief which oppresses him, for so great a loss.

The name of General Figueroa is heard everywhere; his merits are recounted, his political skill is extolled, his zeal and efficiency for the common good, and that habitual skill with which he knew how to captivate the heart. His integrity, his probity, are acknowledged by the public, who declare him an eminent patriot and well deserving son of the country; all praise and recognize the eminent merit of General Figueroa, and shall not the Most Excellent Deputation of the Territory express how fully it participates in this sentiment? I see in the worthy members of which it is composed, unequivocal marks of the pain which the premature death of our beloved chief inflicts upon them. This feeling is just; yes, it is just, it is laudable; let the whole world know it, and let it be seen that in Upper California they know how to appreciate true merit.

And now that adoring the inscrutable decrees of Providence we have implored at the foot of the altar, divine mercy for the man whom the right hand of the Omnipotent deprives us of; and now that we have rendered him all political and military funeral honors as was his due, let us give, well deserving Deputies, a public and eternal testimony of our gratitude and love for the General Figueroa; let us raise up his memory to the height of our esteem; let us immortalize his glory and our gratitude, and bind his brows with a crown of evergreens. Yes, Most Excellent Señor, hear, your Excellency, and be pleased to approve the following propositions:

1. The portrait of General Don José Figueroa shall be hung in the Hall of the Sessions of this Most Excellent Deputation, in proof of the esteem which it has ever entertained for his distinguished merit.

2. That to perpetuate the pleasing recollection of that distinguished person and the gratitude of this body, there shall be erected a durable monument, with a suitable inscription, in one of the most public and conspicuous places of this capital, and to that end, that the illustrious Ayuntamiento be appealed to, with transmission of these proceedings, in order that all may be done under its care and direction in the man-

ner to be anticipated from its pure patriotism, its noble sentiments, and the love which it has professed for the man whom we deplore.

3. That three copies shall be made of these proceedings; one shall be delivered to the executors of the deceased General and Chief; another shall be sent to his widowed lady and children, and the third to the printer, that it may be printed and published in continuation of his Manifesto, which is now in press.

Monterey, 9th October, 1835.

JUAN B. ALVARADO.

In the session of this day, the Most Excellent Deputation took this proposition under consideration and it was referred to the Committee on Government.

CASTRO, President.

MANUEL JIMENO, Vocal Secretary.

MOST EXCELLENT SENOR :—The Committee on Government has examined the proposition of Señor Alvarado, in which he announces the lamentable news of the death of the General and Political Chief of the Territory, Don José Figueroa, and moves that this Most Excellent Deputation do all in its power for his memory and honor, praying: First—That the portrait of General Don José Figueroa be hung in the hall of sessions of this Most Excellent Deputation. Second—That to perpetuate the pleasing recollection of that distinguished person, there be erected a durable monument, with a suitable inscription, in one of the most public and conspicuous places in the capital, appealing to the illustrious Ayuntamiento to see all done under its direction and care. Third—That three copies be made of these proceedings—that one may be delivered to the executors of our deceased General and Chief; another be sent to his widowed lady and children, and the third to the printer, that it may be printed and published in continuation of his Manifesto now in press. The Committee believes that the considerations presented by Señor Alvarado being public and notorious, are liable to no objection, because the name of General José Figueroa is repeated everywhere. All praise and acknowledge his pre-eminent merit, and his distinguished and ancient services rendered to the country. He always observed the laws and caused them to be observed, and sacrificed himself to fulfill the measure of his public duties. It was he who on landing upon the shores of these coasts, planted the olive of peace; it was he who gave security to agriculture; it was he who was vigilant to establish learning and schools for youth; it was he who promoted all the objects which concern the public good of the Territory; it was he who extinguished

the torch of discord ; it was he, finally, who, by his example and his industry, cultivated the virtues of every kind, earning by such service the name of Father of our Territory. Yes, Most Excellent Señor, the Committee would believe itself unworthy in the sight of the citizens if it should attempt to oppose sentiments so natural as those which Señor Alvarado expresses, and therefore concludes, submitting for the deliberation of the Most Excellent Deputation the following propositions :

1. That the three propositions of Señor Alvarado be approved and put in immediate execution.

2. That at the foot of the portrait of Gen. Don José Figueroa there be given him the title of Benefactor of the Territory of Upper California.

Monterey, October 14, 1835.

MANUEL JIMENO.

MONTEREY, October 14, 1835.

In the session of this day the Most Excellent Deputation approved the foregoing report, with its two propositions.

JOSE CASTRO, President,
MANUEL JIMENO, Vocal Secretary.
MANUEL JIMENO.

[A COPY.]

NOTE.—The foregoing proceedings were transmitted to the Illustrious Ayuntamiento, and it appears that it is proposed to place upon the monument in contemplation the following inscriptions :

D. O. M.

DOMINO JOSEPH FIGUEROA,
PRAEFECTO ATQUE MILITARI DUCI
SUPERIORIS CALIFORNIAE,
PATRIÆ PARENTI.

IN PIGNUS OBSERVANTIAE,
GRATIQUE AMINI SENSUS,
CÆTUS CURATORUM PROVINCE
HUGUSQUE METROPOLIS MUNICIPIUM
SUMPTIBUS DICARANT PUBLICIS
HOC MONUMENTUM.

OBIIT, MONTEREGGIO
III CAL. OCT. A. D. MDCCCXXXV.,
ÆTATIS SUÆ XLIII.

T. G. O.

TO THE ETERNAL MEMORY OF THE
GENERAL DON JOSE FIGUEROA,
POLITICAL AND MILITARY CHIEF
OF UPPER CALIFORNIA,
FATHER OF THE COUNTRY.

THE PROVINCIAL DEPUTATION
AND THE AYUNTAMIENTO OF MONTEREY
DEDICATE THIS MONUMENT
AT THE PUBLIC EXPENSE
AS A MARK OF GRATITUDE.

HE DIED IN THIS CAPITAL
ON THE 29TH OF SEPTEMBER A. D. 1835,
AND OF HIS AGE THE 43D.













